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CODE

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OF SUCH

# LOCAL & SPECIAL PENAL LAWS

AS ARE MOST FREQUENTLY REFERRED TO

BY THE CRIMINAL COURTS

IN THE MADRAS PRESIDENCY,

TOGETHER WITH

A DETAILED SCHEDULE.

COMPILED BY

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BY, CARRIAGE AND 2ND CLASS MAGISTRATE, KOOTAMAKURU DIVN., SEPARATE CALCO, CHENNAI DIST.

AND

S. PARTHASARADY CHETTY.

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## LOCAL AND SPECIAL LAWS.

## ABKARRY Act III of 1864 (Madras.)

*For amending the Abkarry Laws of the Madras Presidency beyond the limits of the Madras Abkarry, as prescribed by Act XIX of 1852.*

**S. XVIII.** Any person having obtained a license for the distillation of spirits by the European process, who shall dispose of such spirits in breach of the conditions prescribed in Section 12 of this Act, shall, on conviction thereof before a magistrate, be liable to the forfeiture of his license, and to a fine not exceeding Rupees 1,000.

**S. XIX.** Any person duly licensed under this Act, either to manufacture or sell, or to manufacture and sell liquor, who shall be convicted before the magistrate of permitting drunkenness or riot in his shop or place of sale or manufacture, or of harbouring persons of notoriously bad character, or of mixing or permitting to be mixed with the liquor made or sold by him any ingredient likely to add to its intoxicating quality, when such admixture shall not amount to the offence of adulteration under Section 272 of the Indian Penal Code, or of keeping or offering such mixed liquor for sale, shall be liable to the forfeiture of his license, and to a fine not exceeding Rupees 200 for each offence.

**S. XX.** Any person who shall be convicted before a magistrate of having wilfully contravened any rule regarding the manufacture or sale of liquor which may have been prescribed by the Board of Revenue under the authority given in Section 5 of this Act, or any person duly licensed under this Act, who shall be convicted of having committed any breach of provision of his license, for which no special penalty is prescribed under this Act, shall be liable to a fine not exceeding Rupees 100 for each offence, and to the forfeiture of his license.

**S. XXI.** Any person who shall manufacture or sell, or keep for the purpose of sale, any liquor without being licensed, or at any other place or places than those specified in his license, or after the expiration of his license and before he shall have obtained a new license, shall, on conviction before the

magistrate, be liable to a fine not exceeding Rupees 500 for each offence, and to the forfeiture of his license.

**S. XXII.** Any person who shall convey or attempt to convey more than one imperial quart of liquor without a valid permit, or materially differing from the description or quantity specified in the permit, and any person who shall have in his possession without a valid permit more than one imperial quart of liquor, except such quantities of English and foreign wines, beer and spirits, as may be required for private consumption, shall, on proof thereof before the magistrate, be liable to a fine not exceeding Rupees 500 for each offence.

**S. XXV.** Every person who holds a license for the sale or manufacture of liquor, shall keep such license at the house or shop specified in the license, and shall show the license on the demand of any magistrate, or police officer above the rank of deputy constable, who shall demand to see it; and any licensed dealer who shall refuse or be unable to produce his license on such demand, shall, on proof of the same before a magistrate, be liable to a fine not exceeding 200 Rupees.

**\* XXX.** Any penalty imposed under this Act may, in case of non-payment, be levied by distress and sale of the goods and chattels of the offender, by warrant under the hand of the officer by whom such penalty was imposed.

**\* XXXI.** In case such penalty shall not be forthwith paid, any such officer may order the offender to be apprehended and detained in safe custody until the return can be conveniently made to such warrant of distress, unless the offender shall give security to the satisfaction of such officer for his appearance at such place and time as shall be appointed for the return of the warrant of distress.

**† XXXII.** If upon the return of such warrant it shall appear that no sufficient distress can be had whereon to levy such penalty, and the same shall not be forthwith paid; or in case it shall appear to the satisfaction of such officer, by the confession of the offender or otherwise, that he has not sufficient goods and chattels whereupon such penalty could be levied if a

\* Sections 30 and 31 prescribe the mode by which penalties imposed are to be levied in case of non-payment.

† Section 32 provides that if penalty cannot be levied by distress, offender shall be liable to periods of imprisonment varying from two months to two years, according to the amounts of the penalties.

warrant of distress were issued, any such officer may, by warrant under his hand, commit the offender to the civil jail, there to be imprisoned, according to the discretion of such officer, for any term not exceeding two calendar months when the amount of penalty shall not exceed Rupees 50; for any term not exceeding four calendar months when the amount shall not exceed 100 Rupees; for any term not exceeding six calendar months when the amount shall not exceed Rupees 200; for any term not exceeding one year when the amount shall not exceed Rupees 500; and for any term not exceeding two years in any other case; the commitment to be determinable in each of the cases aforesaid on payment of the amount.

## APPRENTICE Act XIX of 1850.

### Concerning the binding of Apprentices.

**S. XIII.** Upon complaint made to any magistrate in the said territories by or on behalf of any apprentice bound under this Act, of refusal or neglect to provide for him, or to teach him according to the contract of apprenticeship, or of cruelty, or other ill-treatment by his master, or by the agent under whom he shall have been placed by his master, the magistrate may summon the master or his agent, as the case may be, if he shall be within his jurisdiction, to appear before him at a reasonable time, to be stated in the summons, to answer the complaint; and at such time, whether the master or his agent be present or not (service of the summons being proved), may examine into the matter of the complaint; and, upon proof thereof, may cancel the contract of apprenticeship, and assess upon the offender, whether he shall be the master or his agent, a reasonable sum for behoof of the apprentice, not exceeding four times the amount of the premium paid upon the binding, or if no premium, or a less premium than fifty rupees was paid, not exceeding two hundred rupees; and, if the offender shall not pay the sum so assessed, may levy the same by distress and sale of his goods and chattels, and if the offender shall not be the master but his agent, by distress and sale of the goods and chattels of the master also.

**S. XV.** Upon complaint made to any magistrate, by or on behalf of the master of any apprentice bound to him under this Act, of any ill-behaviour of such apprentice, or if such apprentice shall have absconded, the magistrate may issue his warrant for apprehending such apprentice, and may hear and determine the complaint, and punish the offender



by an order for keeping the offender, if a boy, in confinement in any debtor's prison or other suitable place, not being a criminal gaol, for any time not exceeding one month, of which one week may be in solitary confinement, during which time such allowance shall be made for his subsistence by the master or his agent as the magistrate shall order; and, if the offender be a boy of not more than fourteen years of age, may order him to be privately whipped; or, if the offender be a girl, or in the case of any boy, the magistrate deem any such punishment unfit, he may pass an order empowering the master of the apprentice or his agent to keep the offender in close confinement in his own house, or on board the vessel to which he belongs, upon bread and water, or such other plain food as may be given without injury to the health of the apprentice, for a period not exceeding one month.

\* XVIII. No magistrate shall entertain a complaint on the part of a master against an apprentice under this Act, unless it be brought within one month after the cause of complaint arose; or, if the cause of complaint arose on board-ship during a voyage, within one month after the arrival thereof at a port or place in the said territories: and no magistrate shall entertain a complaint on the part of an apprentice against his master or the agent of his master under this Act, unless it be brought within three months after the cause of complaint arose; or if the cause of complaint arose on board-ship during a voyage, within three months after the arrival thereof at a port or place in the said territories.

† XXIV. An appeal shall lie from any order passed by any magistrate without the said towns and island to the Court of Session to which such magistrate is subordinate, provided the appeal is made within one month from the date of the order.

### ARMS and AMMUNITION Act XVIII of 1841.

*For consolidating and amending the Enactments concerning the Exportation of Military Stores.*

S. I. It is hereby enacted, that arms, ammunition, and military stores (with the exception of arms in the possession of individuals for private use), shall not be exported, or otherwise taken from the territories of the East India Company, without a license from a public officer or officers for each Presi-

\* Section 18 prescribes the period within which complaints shall be brought.

† Section 24 gives a right of appeal to the Court of Session from any order passed by a Magistrate.

dency, to be indicated by the Governments of the respective Presidencies for the purpose of granting such licenses, and a full compliance with all such rules and conditions as may be prescribed for the guidance of such officer or officers in regard to such exports by the aforesaid Governments respectively. And any arms, ammunition, or military stores which any person shall export, or attempt to export, or take as aforesaid, contrary to this Act, shall thereby become forfeited, on the award of the officer or officers authorized as aforesaid to grant licenses, or the collector of customs; and every person offending in the premises contrary to this Act shall be liable, on conviction before a magistrate, to a penalty not exceeding 500 Rupees.

S. II. And it is hereby enacted, that any person who shall collect or keep in one place, or within places not exceeding three miles in distance from each other, any quantity of gunpowder exceeding fifty pounds, without a license from such officer as aforesaid, shall be liable, on conviction before a magistrate, to a penalty not exceeding 500 Rupees, and such gunpowder shall become forfeited on the award of the officer or officers authorized to grant licenses as aforesaid, or the collector of customs.

### ARMS and AMMUNITION Act XXXI of 1860.

*Relating to the Manufacture, Importation and Sale of Arms and Ammunition, &c., (Continued by Act VI of 1866.)*

S. II. No person in India, unless authorized by Government, shall manufacture or assist in manufacturing any cannon, howitzer, or mortar, and whoever not being so authorized, shall manufacture or assist in manufacturing any cannon, howitzer, or mortar, shall be liable to a fine not exceeding one thousand rupees, and to imprisonment with or without hard labor for a period not exceeding three years.

S. III. If any person in India shall, without the permission of the local Government, have in his possession any cannon, howitzer, or mortar, except in the course of his duty as a public officer of Government, he shall be liable to a fine not exceeding five hundred rupees for every such cannon, howitzer, or mortar, and in default of payment thereof, may be imprisoned with or without hard labor for a period not exceeding one year. The provisions of this section shall not extend to any cannon, howitzer, or mortar, forming part of the ordinary armament of any ship or vessel.

**S. V.** No person shall manufacture, repair, or sell, or keep or expose for sale, any arms of the description hereinafter mentioned, or shall manufacture or sell, or keep or expose for sale, percussion caps, sulphur, gunpowder, or other ammunition, except under a license to manufacture or deal in arms or percussion caps, sulphur, gunpowder, or other ammunition, as the case may be, and any person who shall manufacture, repair, sell, or keep or expose for sale any of such arms, or any percussion caps, sulphur, gunpowder, or other ammunition without such license as aforesaid, or contrary to any of the conditions contained in such license, shall be liable to a fine not exceeding five hundred rupees, or to imprisonment with or without hard labor for a period not exceeding two years, or to both fine and imprisonment; and all arms, percussion caps, sulphur, gunpowder, or other ammunition belonging to the offender shall be forfeited, if the court or officer before whom the offender is convicted shall so adjudge.

**S. X.** If any person to whom such license shall be granted shall omit to put up a board inscribed as above in a conspicuous part of his shop or usual place of business, he shall be liable to a fine not exceeding one hundred rupees.

**S. XI.** If any person to whom such license shall not have been granted in the manner prescribed shall put up such board as aforesaid in his shop or usual place of business, he shall be liable to a fine not exceeding one hundred rupees.

**S. XIII.** Any person knowingly purchasing arms of the description mentioned in Section VI, or any percussion caps, sulphur, gunpowder, or other ammunition from any person not licensed, shall be liable to a fine not exceeding one hundred rupees.

**S. XIV.** Every person licensed to manufacture or deal in arms, percussion caps, sulphur, gunpowder, or other ammunition, shall enter in a book to be kept by him for that purpose, an account of all the stock-in-trade which he may from time to time have in his possession or under his control, and also the name and address of every purchaser of arms, percussion caps, sulphur, gunpowder, or other ammunition, sold by him, together with the nature, description, and quantity of such arms, percussion caps, sulphur, gunpowder, or other ammunition. Such book shall be open at all times to inspection by the magistrate or other officer duly authorized by Government in that behalf, by whom copies may be taken of all entries therein contained. If any such

Manufacturing or dealing in arms and ammunition without license prohibited.

Penalty.

Penalty for commission.

Penalty for putting up a board without a license.

Penalty for purchasing arms or ammunition from a shop without a board.

Licensed manufacturers or dealers to enter in a book an account of stock-in-trade, names of purchasers, &c.

person shall omit or fail duly to keep such book, or to make therein all such entries as are hereby required, or if any person shall prevent or obstruct the inspection of such book, or shall make a false entry therein, he shall be liable for every such offence to a fine not exceeding five hundred rupees, in addition to double the value of any arms, percussion caps, sulphur, gunpowder, or other ammunition sold of which he shall fail to make such entry, or respecting which he shall make a false entry; and if the offender be licensed to manufacture or deal in arms, percussion caps, sulphur, gunpowder, or other ammunition, he shall also forfeit his license if the magistrate shall so adjudge.

**S. XV.** The magistrate or other officer authorized by Government as aforesaid, may at any time enter the premises in which arms, percussion caps, sulphur, gunpowder, or other ammunition shall be manufactured or kept by any licensed manufacturer or dealer in arms or percussion caps, sulphur, gunpowder, or other ammunition, in order to inspect the stock-in-trade of such manufacturer or dealer, and if any such manufacturer or dealer shall intentionally conceal from such magistrate or other officer as aforesaid any part of his stock-in-trade, or shall wilfully refuse to point out where the same is kept, he shall be liable to a fine not exceeding five hundred Rs., or to imprisonment with or without hard labor for a period not exceeding two years, or to both fine and imprisonment; and any arms, percussion caps, sulphur, gunpowder, or other ammunition belonging to such person, may be seized and shall be confiscated if the magistrate shall so adjudge.

**S. XVIII.** If any person shall import or attempt to import without such license, either by sea or by land, into any part of the said territories, any cannon, howitzer, or mortar, or any arms, percussion caps, sulphur, saltpetre, gunpowder, or other ammunition, or shall aid or assist in such importation or in such attempt to import, or shall knowingly conceal or assist in concealing any cannon, howitzer, or mortar, or any arms, percussion caps, sulphur, saltpetre, gunpowder, or other ammunition, imported without such license, he shall be liable to imprisonment with or without hard labor for any term not exceeding three years, and also to a fine not exceeding one thousand rupees, and the articles so imported shall be confiscated if the magistrate shall so adjudge.

**S. XXIII.** If any person shall transport or cause to be transported, or shall attempt to transport or cause to be transported, or shall aid in transporting any arms, military stores, lead, sulphur, saltpetre, gunpowder, or other ammunition, contrary to such order, or to the rules and conditions specified therein, he shall be liable to a fine not exceeding five hundred rupees, or

Magistrate or other officer may inspect dealer's premises.

Penalty for importation without license.

Penalty for prohibited transport.



to imprisonment with or without hard labor for a period not exceeding three years, or to both fine and imprisonment, and the articles transported or attempted to be transported shall be confiscated. If any person shall by concealment or other device transport or cause to be transported, or attempt to transport or cause to be transported such arms, military stores, lead, sulphur, saltpetre, gunpowder, and other ammunition, he shall, in addition to the fine hereby provided, be liable, upon conviction, to imprisonment with or without hard labor for a term not exceeding seven years.

**S. XXXII.** *Clause, 6.* Every person who after the expiration of the time mentioned in such order in any province, district, or place to which this section shall be extended, or who

after the first day of October 1860, in any province, district, or place in which an order for a general search for arms has been issued and is still in operation as aforesaid, shall have in his possession or custody any such arms as aforesaid, or any percussion caps, sulphur, gunpowder, or other ammunition without license as aforesaid, shall be liable to be imprisoned, with or without hard labor, for a term not exceeding two years, and also to a fine not exceeding one thousand rupees, and it shall be lawful for the magistrate or other officer mentioned in the order, to search or cause to be searched any house or premises occupied by such person, or in which the magistrate may have reason to believe that any such arms, percussion caps, sulphur, gunpowder, or other ammunition are concealed.

**S. XXXIII.** If on any such search being made under the provisions of either of the last two sections, any person having in his possession or power any such arms, percussion caps, sulphur, gunpowder, or other ammunition, or knowing where such arms, percussion caps, sulphur, gunpowder or other ammunition are concealed, shall refuse to produce or point out the same to the officer making the search, or if any person shall intentionally conceal or attempt to conceal any such arms, percussion caps, sulphur, gunpowder, or other ammunition, such person may be apprehended without warrant, and shall be liable to imprisonment with or without hard labor for a term not exceeding two years, and also to a fine not exceeding one thousand rupees.

**S. XXXIV.** Whoever assaults or resists, or assists any person in assaulting or resisting any person in the execution of any power vested in him by this Act, shall be liable to a fine not exceeding two hundred rupees, or to imprisonment with or without hard labor for any term not exceeding six calendar months, or to both fine and imprisonment.

Penalty for refusing to produce, or for concealing arms, &c., searched for.

Penalty for assaulting or resisting any person in the execution of any power vested in him by this Act.

**\* XXXVI.** Except as aforesaid, all offences declared to be punishable under this Act with fine, or fine and imprisonment, may be tried in the district or place in which the offence was committed, or in which the person charged with the same is apprehended.

**† XL.** If any offence which by this Act is declared to be punishable with fine and imprisonment, or imprisonment only, shall be committed by a European British subject beyond the local limits of the jurisdiction of His Majesty's supreme courts of judicature, the offender shall be liable, upon conviction before one of the said Supreme Courts of Judicature, to the punishment to which by this Act the offender is declared to be liable upon conviction.

**‡ XLII.** If any offence which by this Act is declared to be punishable with fine, or with fine and imprisonment not exceeding six months, shall be committed by any person within the local limits of the jurisdiction of any court of judicature established by Royal Charter, such offence shall be punishable upon summary conviction by any Police Magistrate of the Presidency Town or station in which such court is held.

**§ XLIII.** All other offences punishable under this Act, which shall be committed within the local limits of any court of judicature established by Royal Charter, shall be punishable by such court.

**\* Section 36** provides that offences against this Act may be tried where committed, or where offender is arrested.

**† Section 40** provides that if any offence punishable by fine and imprisonment, or imprisonment only, be committed by a European British subject beyond the limits of the Supreme (High) Court, the offender shall be liable to be convicted before such court.

**‡ Section 41** provides that if any offence, punishable with fine or with fine and imprisonment not exceeding 6 months, be committed within limits of any court established by Royal Charter, such offence shall be punishable by a Police Magistrate.

**§ Section 43** provides that all other offences punishable under this Act, committed within limits of court established by Royal Charter, shall be punishable by such court.

\* XLIV. All forfeitures or penalty imposed under the authority of this Act, for offences punishable by any Magistrate of Police, or by any Magistrate, or person lawfully exercising the powers of a Magistrate, or Assistant Magistrate, may, in case of non-payment thereof, be levied by distress and sale of the goods and chattels of the offender, by warrant under the hand of any of the above-named officers.

\* XLV. In case any such forfeiture or penalties shall not be forthwith paid, any such officer may order the offender to be apprehended and detained in safe custody until the return can be conveniently made to such warrant of distress, unless the offender shall give security to the satisfaction of such officer for his appearance at such place and time as shall be appointed for the return of the warrant of distress.

\* XLVI. If upon the return of such warrant it shall appear that no sufficient distress can be had whereon to levy such fine, and the same shall not be forthwith paid; or in case it shall appear to the satisfaction of such officer, by the confession of the offender or otherwise, that he has not sufficient goods and chattels whereupon such fine or sum of money could be levied if a warrant of distress were issued, any such officer may, by warrant under his hand, commit the offender, provided he is not a European British subject, to prison, there to be imprisoned, according to the discretion of such officer, for any term not exceeding two calendar months when the amount of fine shall not exceed fifty rupees, and for any term not exceeding four calendar months when the amount shall not exceed one hundred rupees, and for any term not exceeding six calendar months in any other case, the commitment to be determinable in each of the cases aforesaid on payment of the amount.

\* XLVII. If the offender shall be a European British subject, the Magistrate shall record the fact and transmit such record to the district court of the district wherein the offender is convicted, and the amount of the fine and costs (if any) shall be levied in the manner provided for the execution of decrees of the civil court.

\* XLVIII. Any fine or penalty levied from any person convicted of an offence under this Act, or any portion of such fine or penalty, may be awarded to the person on whose information the conviction shall take place.

Levy of fines from European British subjects.  
Towards informers.

\* Sections 44 to 48 prescribe the procedure for levying fines.

## ARTICLES OF WAR, Act V. of 1869.

*To consolidate and amend the Articles of War for the Government of Her Majesty's Native Indian Forces.*

(c).—When any offence in breach of any duly authorized Cantonment rule or regulation is committed by any person not subject to the said articles, and not a European British subject or an officer or soldier, the Officer Commanding the Cantonment may, where there is no Cantonment Magistrate, summon or order apprehension of the offender; and such officer may (after personally investigating the case) sentence the offender to pay a fine not exceeding fifty rupees; or in default of payment of, or in lieu of such fine, to imprisonment in any jail or military guard for a period not exceeding thirty days.

## BOATS and CATMARAMS Act IX of 1846.\*

*For authorizing the Government of Fort St. George to provide Regulations for the several ports and places of anchorage within the territories subject thereto.*

I. No person, either as owner or servant, shall use any Boat, Canoe

No person to use a boat, canoe or catmaram for goods or passengers, unless he has received a license, and registered the boat.

Fine for infraction.

or Catmaram to carry goods or passengers to or from any ship or vessel at the port, unless such person shall have previously received a license; and unless the Boat, Canoe or Catmaram which such person shall so use has been registered, as hereinafter mentioned. And in case any person who has not received such license shall use any Boat, Canoe or Catmaram for the aforesaid purpose, or such Boat, Canoe or Catmaram shall not have been so registered, such person shall be liable to a fine not exceeding the sum of (50) fifty rupees, or, in default of payment, to imprisonment for a term not exceeding (3) three months, and the Boat, Canoe or Catmaram shall be liable to confiscation on conviction before a Magistrate or

Pleasure boats and ship's boats allowed to take passengers, their baggage, and ship stores.

Justice of the Peace.—This rule is not to be considered as interfering with Ship's Boats or Pleasure Boats taking off or landing passengers and their baggage, or ship's stores, all of which, however, must be embarked or debarked within the limits assigned by the proper authorities, in default of which a fine will be imposed under Clause X. The right of withdrawing this indulgence will be vested in the Master Attendant or

\* Amended Boat Rules. Vide Fort St. George Gazette, 4th October 1867.

Collector of Sea Customs, or other Registering Officer appointed by Government, should it appear that the interests of Government require it.

## II. The Master Attendant, or Collector of Sea Customs, or other Registering Officer appointed by Government, on being satisfied that a Boat, Canoe or Catmaram is seaworthy and fit for the service of the port, will, on application of the owner or owners, who must first subscribe to a declaration in writing that he

or they fully understand these Rules, grant a license to such owner to use the Boat, Canoe or Catmaram for the aforesaid purposes—such license, (if a Boat or Canoe) expressing its dimensions, and the number of the crew, as well as the number of passengers and quantity of cargo it is to be permitted to carry. And, to enable the Registering Officer to a grant correct license, he shall survey or cause to be surveyed any such Boat or Canoe in presence of the owner or any person deputed by him, the fee for such survey being regulated at each port by orders of Government.

## III. And as often as the property in such Boat, Canoe or Catmaram

On property in a boat, &c., being transferred, notification to be made in license.

shall be transferred, the owner must produce his license to the Registering Officer that the requisite alteration may be made, the new owner subscribing to a similar declaration, respecting his comprehension of these rules. In wilful neglect or default of which notice of change of ownership for the space of six days after such may have taken place, the original owner shall forfeit a sum not exceeding (25)

twenty-five rupees, or, in default of payment, to imprisonment for a term not exceeding (6) six weeks, on conviction before a Magistrate or Justice of the Peace.

## IV. Every owner shall paint in black English figures not less than

The number specified in the license to be painted on the boat.

six inches in length, upon a white ground, on a conspicuous part of the bow on one side, and of the quarter on the other, the number mentioned in the Register and license of his boat. And if any person shall fraudulently paint or cause to be painted, or counterfeited, upon any Boat or Canoe, not having been duly registered, any such figures, every such person shall be liable to a fine not exceeding

the sum of (100) one hundred rupees, or, in default of payment, to imprisonment, with or without hard labour, for a term not exceeding (6) six months, on conviction before a Magistrate or Justice of the Peace, and every such Boat or Canoe shall be confiscated.

## V. For the better prevention of fraud and omission in painting the figures above provided to be used, the Registering Officer shall cause the number to be cut or branded in the most common Native character in some part of every Boat, Canoe or Catmaram on its being registered : and if the owner should refuse to keep out, branded or painted the figures assigned, or should hide or obliterate them, he will be liable to a fine not exceeding (50) fifty rupees, or, in default of payment, to imprisonment for a term not exceeding (3) three months, on conviction before a Magistrate or Justice of the Peace.

Number to be cut or branded on boat.  
Penalty for not keeping number cut, branded or painted.

And if any person not being an owner, shall be guilty of, or shall assist in altering or erasing any such figures, he shall be liable to a fine not exceeding (50) fifty rupees, or, in default of payment, to imprisonment for a term not exceeding (3) three months, on conviction before a Magistrate or Justice of the Peace. All numbers painted or branded on a Boat, Canoe or Catmaram are to be effaced by the Registering Officer on the license being withdrawn.

Such numbers to be effaced by Registering Officer on withdrawal of license.

## VI. All men employed as Tindals or Boatmen shall be registered in

All men employed in licensed Boats to be registered.

Penalty for employing others.  
Men so employed to forfeit hire.

the Office of the Master Attendant or Collector of Sea Customs, or other Registering Officer appointed by Government, and no others shall be allowed to ply in registered Cargo Boats, Canoes or Catmarams unless on emergency, and with the permission of the Registering Officer. Any offence against this rule will subject the owner to a fine not exceeding (10) ten rupees, or, in default of payment, to imprisonment for a term not exceeding (14) fourteen days, on conviction before a Magistrate or Justice of the Peace, for each man so engaged in his Boat ; and the Lascars so employing themselves will forfeit all title to hire.

## VII. All Boats, Canoes or Catmarams must be manned with such

All Boats to be manned as specified in license.

Penalty for infraction.

All boats to carry goods and passengers as specified in license.

Penalty for refusal.

number of crew as may be determined on by the Registering Officer and noted in the license : and any owner allowing his Boat, Canoe or Catmaram to ply without the requisite complement of men, will be liable to a fine not exceeding the sum of (50) fifty rupees, or, in default of payment, to imprisonment for a term not exceeding (3) three months, on conviction before a Magistrate or Justice of the Peace.

And all Boats, Canoes or Catmarams must carry such number of passengers and quantity of goods as shall be expressed in the license ; a refusal to take

which will subject the owner to loss of hire, and suspension of license if considered necessary.

VIII. If any Boat, Canoe or Catmaram be loaded with passengers or cargo beyond what is specified in the license, the Tindal of such craft shall be liable to a fine not exceeding (5) five rupees, or, in default of payment, to imprisonment for a term not exceeding (8) eight days, and the owner of the Boat to a fine not exceeding (10) ten rupees, or, in default of payment, to imprisonment for a term not exceeding (16) sixteen days, on conviction before a Magistrate or Justice of the Peace, for every surplus passenger and candy of goods. And every other person who shall be guilty, either as principal or accessory, of the like offence, after having been duly warned by the Tindal or owner, shall be liable, on conviction before a Magistrate or Justice of the Peace, to a fine not exceeding (10) ten rupees, or, in default of payment, to imprisonment for a term not exceeding (16) sixteen days for every surplus passenger and candy of goods.

XI. All goods are to be landed or shipped off from within certain limits that may be pointed out by the Master Attendant or Collector of Sea Customs, or other Registering Officer appointed by Government, and any person engaged in shipping off or landing goods without such limits, unless the sanction of the Master Attendant or Collector of Sea Customs, or other Registering Officer appointed by Government, shall have been previously obtained, will be liable to a fine not exceeding (50) fifty rupees, or, in default of payment, to imprisonment for a term not exceeding (3) three months, on conviction before a Magistrate or Justice of the Peace.

XIII. The rate of hire will also be determined by the proper local authorities; and if any owner or person deputed by him shall demand a rate beyond that sanctioned, he shall, on conviction before a Magistrate or Justice of the Peace, be liable to a fine not exceeding (10) ten rupees, or, in default of payment, to imprisonment for a term not exceeding (16) sixteen days for each offence, together with the forfeit of the amount of such hire.

XIV. Any owner of a licensed Boat, Canoe or Catmaram, or person deputed by him, refusing to let on hire such Boat or Catmaram, without assigning reasonable and satisfactory cause for such refusal, shall be liable, on conviction before a Magistrate or Justice of the Peace, to a penalty not exceeding (10) ten rupees, or, in

default of payment, to imprisonment for a term not exceeding (16) sixteen days for a first offence, and (30) thirty rupees for a second, with withdrawal of license.

XV. And if any Boatman serving in any such licensed Boat or Catmaram shall, by wilful neglect or desertion of his duty, cause any impediment to the service of such boat, he shall be liable, on conviction before a Magistrate or Justice of the Peace, to a penalty not exceeding (10) ten rupees, or imprisonment for a term not exceeding (16) sixteen days, or to receive corporal punishment not exceeding (3) three dozen lashes for a first offence; and for a second, or if in either case life may have been endangered, he shall be liable, on conviction, to have the punishment increased to commitment to hard labour for a term not exceeding (6) six months, according as, in the opinion of the Magistrate or Justice of the Peace before whom he is cited, the nature of the offence should warrant.

XVI. If any owner or person deputed by him shall be guilty of taking off or landing cargo without having previously received the permission of the Master Attendant or Collector of Sea Customs, or other Registering Officer appointed by Government, he shall, on conviction before a Magistrate or Justice of the Peace, be liable to a fine not exceeding (50) fifty rupees, or, in default of payment, to imprisonment for a term not exceeding (3) three months.

XVII. The Master Attendant, Collector of Sea Customs, and all Magistrate and Justices of the Peace, or such persons as they shall duly authorize for that purpose, shall be empowered to search all parts of any Boat, Canoe or Catmaram for prohibited, uncustomed, or smuggled goods; and to examine into all packages, boxes or baggage, of whatever description, in such boat, or landed therefrom, provided he shall have good reason to suppose that smuggled or prohibited goods are contained in such package, box or baggage. And if any person shall resist or impede such lawful search, he shall be liable, according to the circumstances of the case and the quality of the party offending, on conviction before a Magistrate or Justice of the Peace, to a fine not exceeding (100) one hundred rupees, or to imprisonment with or without hard labour for a period not exceeding (6) six months.



## BOUNDARY MARKS Act XXVIII of 1860.

*For the Establishment and Maintenance of Boundary Marks, &c.*

IV. Any occupant or owner of land, or other person whose attendance may be considered necessary for the purposes

Penalty for owner, &c. refusing or failing to attend, and for any person making false statement, &c.

of this Act, who, on being summoned by such officer aforesaid, shall refuse or fail to attend at the demarcation, measurement, or assessment of his field, holding, or estate, or for the determining and marking the village boundary, or for the investigation and registry of his rights and claims in relation to such holding, estate, or property, or for the investigation and determination of any boundary: and any person who shall wilfully make any false statement, or shall wilfully refuse or neglect, when called upon, to give any information in his power, with respect to a boundary under enquiry, shall be liable, by order of such officer aforesaid, to a fine not exceeding fifty rupees, to be levied by warrant under the hand of the officer imposing it, in the same manner as a fine imposed by a Magistrate for a misdemeanour, and with a like alternative of imprisonment in default as defined in Act II. of 1839.

IX. Any person convicted before a Magistrate or person exercising

Penalty for erasing, &c. marks, a portion of which to be paid to informer.

magisterial powers, of wilfully and without lawful excuse erasing, altering, removing, or injuring any boundary marks whatsoever, whether established under this Act or otherwise existing, or any survey or other marks, or any marks set up for the purpose of the investigation or adjudication of disputes by an officer of Government or any person acting under his orders, shall be liable to a fine not exceeding fifty rupees for each mark so erased, removed, or injured, of which fine a portion not exceeding one-half may be awarded to the informer, and the remainder shall be chargeable with the cost of restoring the mark; the fine to be

Provido.

levied in the mode prescribed above in Section IV. Provided always that a magisterial officer shall have the power to impose a fine under this clause only to the amount to which he is competent to fine in misdemeanours under his general powers. Whenever it may not be possible to detect the person who erased, altered, removed, or injured such boundary or survey marks, the officer as aforesaid may give directions for the restoration or repair of the marks, and may order the cost thereof to be charged to the owners or occupants of the adjacent lands in such shares as may appear to him proper, or apportioned among the ryots of the village

in proportion to their land assessment, as he may consider just and equitable, the same to be levied in the manner prescribed above in Section VI.

S. XXIX. If any person shall obstruct, molest, or in any way interfere

Penishment for obstructing officers, &c.

with any public servant conducting the demarcation, measurement, or assessment of lands, or performing other duties provided for in this Act, such person shall be liable, on conviction before a Magistrate or person exercising magisterial powers, to a fine not exceeding fifty rupees, or, in default, imprisonment not exceeding two months for the first offence, and, for a repeated offence, to a fine not exceeding one hundred and fifty rupees or imprisonment not exceeding six months. Provided, however, that a magisterial officer shall have power to punish under this clause only to the extent to which he is empowered to punish in cases of ordinary misdemeanour, under his general powers.

## CANALS and FERRIES' Act I of 1870.

*To provide for the collection of tolls and license fees on canals, &c.*

S. XII. Any person who shall wilfully cause, or shall aid in causing,

Penalty for causing obstruction to line of navigation.

any obstruction to any line of navigation, or any damage to the banks or works of such line of navigation, or who shall wilfully omit to remove such obstruction after being lawfully required so to do, shall be punished, on conviction before a Magistrate, with simple imprisonment which may extend to one month, or with fine which may extend to fifty rupees, or with both, and shall also be liable to pay such fine as may be sufficient to meet all reasonable expenses incurred in abating or removing such

Provido.

obstruction, or in repairing such damage. Provided always, that nothing in this section shall be held to affect cases which would be punishable under Section 431 of the Indian Penal Code.

S. XXIV. Any person who shall refuse to pay, or evade, or attempt

Penalty for evasion of toll.

to evade the payment of any toll or license fee due under this Act, or shall infringe any right of ferry, shall be punished, on conviction before a Magistrate, with a fine which may extend to fifty rupees, or with simple imprisonment, in lieu of fine, which may extend to one month.

**S. XXV.** Any person other than the persons authorized under this Act, who shall levy or demand any tolls or license fees, and also every person who shall knowingly demand any higher toll or license fee than this Act permits, or who shall, under colour of this Act, detain, seize, or sell any property or animal, knowing such detention, seizure, or sale to be unlawful, or shall wilfully fail to comply with all the requirements of Section 8, or shall in any manner extort money or any valuable thing from any person under colour of this Act, shall be deemed to have committed the offence of cheating, and shall be liable to such punishment as is provided for that offence by the Indian Penal Code.

*Penalty for unauthorized levy of toll, &c.*  
*Mode of recovering fines.*  
**\* XXVII.** All fines imposed under this Act may be recovered in the mode prescribed by the Code of Criminal Procedure.

### CANTONMENTS' Act I of 1866 (Madras)

To repeal Madras Act No. IV of 1865, and to make provision for the administration of Military Cantonments in the Presidency of Fort St. George.

*Punishment for breaches of standing orders or of special duties.*  
**S. VI.** All public followers attached to, or serving with any part of the army, and receiving public pay drawn by an officer in charge of any department appertaining to the army, and all artificers and labourers belonging to the army or military arsenals, or to the commissariat or medical department, shall be liable to be tried by the cantonment magistrate or by the assistant cantonment magistrate for all breaches of standing orders, or of their respective duties, and shall be punished with imprisonment of either description as defined by the Indian Penal Code, not exceeding one month, or with fine not exceeding one hundred rupees, or with lashes not exceeding fifty with a cat-o'-nine tails, or shall be liable to any two of the above punishments.

*Rules and regulations to provide for certain matters specified.*  
**† XVII.** The Government shall have power to make rules and regulations, not inconsistent with the provisions of this Act or of any other law in force, to provide within the limits of any military cantonment for the matters hereinafter mentioned, and, from time to time, to repeal or alter such rules and regulations. The rules and regulations made under this section may be general for all military cantonments in the territories under the Government of Fort Saint George, or special

\* Section 27 provides that all fines imposed under this Act may be recovered in the mode prescribed by the Code of Criminal Procedure.

† See note under Sections 21, 22, and 23.

for any one or more of such cantonments, according as the Government shall direct.

**S. XIX.** (Cl. 11.) For the imposition of penalties on persons convicted of the breach of any rule or regulation made under Section 17, and for declaring what persons shall make the preliminary inquiry into, or take cognizance of any breach of such rules and regulations, and the manner in which the investigation shall be conducted: provided that no penalty so imposed shall exceed a fine of fifty rupees, or imprisonment for eight days with or without labor.

*Levy of fines imposed.*  
**\* XXI.** In every case in which an offender is sentenced to a fine for the breach of any rule or regulation made under Section 17, the amount may, in case of non-payment, be levied by distress and sale of any movable property of the offender which may be found within the limits of the cantonment.

*Imprisonment in case of amount not being recoverable as above.*  
**\* XXII.** If no such property sufficient for the payment of the fine can be found, the offender shall be liable to be imprisoned without labor for any term not exceeding one month.

*Imprisonment to be where.*  
**\* XXIII.** The imprisonment under Section 19 or Section 22 may be, if without labor, in the civil jail; and if with labor, in the criminal jail of the district.

*Unauthorized sale of liquor to military persons in cantonments, how punishable.*  
**S. XXX.** If, within any military cantonment, or within any limits around such cantonment prescribed by the Government, any person not amenable to the Articles of War, or any sutler or camp-follower shall knowingly barter, sell, or supply, or offer, or attempt to barter, sell, or supply, any spirituous liquor, wine or intoxicating drug, to or for the use of any European soldier, or to or for the use of any European or Eurasian being a camp-follower or a soldier's wife, without a written license from the officer commanding, or from some person having sufficient authority from the officer commanding to grant such license, the person so bartering, selling, or supplying, or offering, or attempting to barter, sell, or supply such spirituous liquor, wine, or intoxicating drug as aforesaid, shall be liable, on conviction, to a fine not exceeding one hundred rupees, or, in the discretion of the magistrate, to imprisonment, with or without hard labor, for any period not exceeding three months, or in lieu of such fine or imprisonment, to the punishment

\* Sections 21, 22, and 23 prescribe the procedure for enforcing penalties for breach of any rule or regulation made under Section 17.



of whipping, as prescribed by Section 10 of Act VI of 1864 (to authorize the punishment of whipping in certain cases) subject to all the provisions of that Act.

**S. XXXII.** If any camp-follower or military pensioner, or the wife or the widow of any soldier, camp-follower, or military pensioner, shall, within such cantonment or limits, remove, convey, or have in his or her possession any quantity of spirituous liquor or wine exceeding one imperial quart, without a permit to be

signed by the officer in command, or such other officer as may be appointed by him to grant permits under this Act, every such person shall be liable, upon conviction, to a fine not exceeding fifty rupees, and for any subsequent offence, to a fine not exceeding one hundred rupees, or to imprisonment, with or without hard labor, for any term not exceeding three calendar months; provided that nothing in this section contained shall apply to any liquor brought into a cantonment for the private use of any commissioned officer.

## CATTLE DISEASES' Act II of 1866 (Madras.)

*For the prevention of the spread of Disease among Cattle in the Madras Presidency.*

Act to be extended to such places, and during such periods of time as the Governor, nor in Council thinks proper.

\* I. This Act shall be put in force in such districts, or part of districts, and during such periods of time, as the Governor in Council may, from time to time, direct by notification in the *Fort Saint George Gazette*.

**S. XIII.** If any person who may be in charge of any animal at the time of its being attacked by a contagious or infectious disorder, shall fail to give notice to the hospital pound-keeper of the village, as required in Section 4, the said person shall be liable, on conviction before a magistrate, to a fine not exceeding rupees five for every instance of such neglect, commutable, if not paid, to simple imprisonment for any period not exceeding ten days.

\* Section 1 provides that this Act shall be put in force in such districts or parts of districts and during such periods of time, as the Governor in Council may direct by Notification in the *Fort Saint George Gazette*.

**S. XIV.** Any person who shall fail to comply with the directions of a hospital pound-keeper, or of a person duly authorized by the magistrate of the district in that behalf, as to the impounding any diseased animal, or to the disinfecting any premises or place where any diseased animal may have been kept, or to the disinfecting or destroying any fodder, manure, and refuse matter which may be likely to propagate the disease, or who may remove, without a license, any animal which has been in the same shed or stable, or in the same herd or flock, or in contact with any animal laboring under any contagious or infectious disease, shall, on conviction before a magistrate, be liable, for every such offence, to a fine of twenty rupees, commutable, if not paid, to simple imprisonment for any period not exceeding ten days.

**S. XV.** In any district or part of a district in which this Act is in force, it shall be the duty of all hospital pound-keepers, of all police officers not below the rank of a head constable, and of such other persons as the magistrate of the district may especially empower, to seize and impound all animal, suffering from contagious or infectious disease; and any person who shall forcibly oppose such seizure, or who shall forcibly rescue the animals after such seizure, shall be deemed to have committed an offence punishable under Section 196 of the Indian Penal Code.

**S. XVIII.** It shall be lawful for the Governor in Council by notice published in the *Fort Saint George Gazette*, to make and prescribe such bye-laws as may from time to time seem necessary for the more effectually preventing the spreading of infectious or contagious diseases among animals, provided that such bye-laws shall not be repugnant to the provisions of this or any other Act. A breach of any such bye-law shall render the party liable, on conviction before a magistrate, to a fine not exceeding rupees ten, commutable to simple imprisonment for fifteen days.

## CATTLE TRESPASS Act I of 1871.

*To consolidate and amend the law relating to trespass by Cattle.*

\* I. This Act may be called 'The Cattle-trespass Act, 1871.' It extends to the whole of British India except the presidency towns and such districts or tracts of country as the local Government, with the sanction of the Governor-General in Council, may exclude from its operation.

\* This Act extends to the whole of British India, except the Presidency towns and such districts as the local Government, with the sanction of the Governor-General, may exclude from its operation.—Vide Section I.

**S. XXII.** If the seizure be adjudged illegal, the magistrate shall award to the complainant, for the loss caused by the seizure and detention, reasonable compensation, not exceeding one hundred rupees, to be paid by the person who made the seizure, together with all fines paid and expenses incurred by the complainant in procuring the release of the cattle.

**S. XXIV.** Whoever forcibly opposes the seizure of cattle liable to be seized under this Act, and whoever rescues the same after seizure, either from a pound, or from any person taking or about to take them to a pound, such person being near at hand and acting under the powers conferred by this Act,

shall, on conviction before a magistrate, be punished with imprisonment for a period not exceeding six months, or with fine not exceeding five hundred rupees, or with both.

**S. XXVI.** Any owner or keeper of pigs, who, through neglect or otherwise, damages, or causes or permits to be damaged, any land, or any crop or produce of land, or any public road, by allowing such pigs to trespass thereon, shall, on conviction before a magistrate, be punished with fine not exceeding ten rupees.

**S. XXVII.** Any pound-keeper releasing or purchasing or delivering cattle contrary to the provisions of Section 19, or omitting to provide any impounded cattle with sufficient food and water, or failing to perform any of the other duties imposed upon him by this Act, shall, over and above any other penalty to which he may be liable, be punished, on conviction before a magistrate, with fine not exceeding fifty rupees.

Such fines may be recovered by deductions from the pound-keeper's salary.

### COMPANIES' Act X of 1866.

*For the incorporation, regulation, and winding-up of Trading Companies and other Associations.*

**S. XXIV.** Every company under this Act shall cause to be kept in one or more books a register of its members, and there shall be entered therein the following particulars:—

(1.) The names and addresses, and the occupations, if any, of the members of the company, with the addition, in the case of a company

having a capital divided into shares, of a statement of the shares held by each member, distinguishing each share by its number; and of the amount paid or agreed to be considered as paid on the shares of each member;

(2.) The date at which the name of any person was entered in the register as a member;

(3.) The date at which any person ceased to be a member.

Any company acting in contravention of this section shall incur a penalty not exceeding fifty rupees for every day during which its default in complying with the provisions of this section continues, and every director or manager of the company who shall knowingly and wilfully authorize or permit such contravention shall incur the like penalty.

**S. XXVI.** If any company under this Act, and having a capital divided into shares, makes default in complying with the provisions of this Act with respect to forwarding such list of members or summary as is hereinbefore mentioned to the registrar, such company shall incur a penalty not exceeding fifty rupees for every day during which such default continues, and every director and manager of the company who shall knowingly and wilfully authorize or permit such default shall incur the like penalty.

**S. XXXI.** The register of members, commencing from the date of the registration of the company, shall be kept at the registered office of the company hereinafter mentioned. Except when closed as hereinbefore mentioned, it shall, during business hours, but subject to such reasonable restrictions as the company in general meeting may impose, so that not less than two hours in each day be appointed for inspection, be open to the inspection of any member gratis, and to the inspection of any other person on the payment of one rupee or such less sum as the company may prescribe for each inspection. Every such member or other person may require a copy of such register, or of any part thereof, or of such list or summary of members as is hereinbefore mentioned, on payment of two annas for every hundred words required to be copied. If such inspection or copy is refused, the company shall incur for each refusal a penalty not exceeding fifty rupees, and a further penalty not exceeding twenty rupees for every day during which such refusal continues. Every director and manager of the company who shall knowingly authorize or permit such refusal shall incur the like penalty. In addition to the above penalty, any judge of a high court may by order compel an immediate inspection of the register.

**S. XXXIII.** Where a company has a capital divided into shares, whether such shares may or may not have been converted into stock, notice of any increase in such capital beyond the registered capital, and, where a company has not a capital divided into shares, notice

Notice of increase of capital and of members to be given to registrar.

of any increase in the number of members beyond the registered number, shall be given to the registrar, in the case of an increase of capital within fifteen days from the date of the passing of the resolution by which such increase has been authorized, and in the case of an increase of members within fifteen days from the time at which such increase of members has been resolved on or has taken place, and the registrar shall forthwith record the amount of such increase of capital or members. If such notice is not given within the period aforesaid, the company in default shall incur a penalty not exceeding one hundred rupees for every day during which such neglect to give notice continues, and every director and manager of the company who shall knowingly and wilfully authorize or permit such default, shall incur the like penalty.

**S. XLII.** If any limited company under this Act does not paint or affix and keep painted or affixed its name, in manner directed by this Act, it shall be liable to a penalty not exceeding fifty rupees for not so painting or affixing its name, and for every day during which such name is not so painted or affixed. Every director and manager of the company who shall knowingly and wilfully authorize or permit such default shall be liable to the like penalty. If any director, manager or officer of such company, or any person on its behalf, uses or authorizes the use of any seal purporting to be a seal of the company whereon its name is not so engraved as aforesaid, or issues or authorizes the issue of any notice, advertisement, or other official publication of such company, or signs or authorizes to be signed on behalf of such company, any bill of exchange, hundi, promissory note, endorsement, cheque, order for money or goods, or issues or authorizes to be issued any bill of parcels, invoice, receipt, or letter of credit of the company wherein its name is not mentioned in manner aforesaid, he shall be liable to a penalty of one thousand rupees, and shall further be personally liable to the holder of any such bill of exchange, hundi, promissory note, cheque, or order for money or goods, for the amount thereof, unless the same is duly paid by the company.

**S. XLIII.** Every limited company under this Act shall keep a register of all mortgages and charges specifically affecting property of the company, and shall enter in such register in respect of each mortgage or charge a short description of the property mortgaged or charged, the amount of charge

Penalties on non-publication of name.

created, and the names of the mortgagees or persons entitled to such charge. If any property of the company is mortgaged or charged without such entry as aforesaid being made, every director, manager or other officer of the company who knowingly and wilfully authorizes or permits the omission of such entry, shall incur a penalty not exceeding five hundred rupees. The register of mortgages required by this section shall be open to inspection by any creditor or member of the company at all reasonable times. If such inspection is refused, any officer of the company refusing the same, and every director and manager of the company authorizing or knowingly and wilfully permitting such refusal, shall incur a penalty not exceeding fifty rupees, and a further penalty not exceeding twenty rupees for every day during which such refusal continues. In addition to the above penalty, any judge of the high court may by order compel an immediate inspection of the register.

**S. XLIV.** Every limited banking company, and every insurance company, and deposit, provident or benefit society under this Act, shall, before it commences business, and also on the first Monday in February and the first Monday in August in every year during which it carries on business, make a statement in the form marked D in the first schedule hereto, or as near thereto as circumstances will admit, and a copy of such statement shall be put up in a conspicuous place in the registered office of the company, and in every branch office or place where the business of the company is carried on. If default is made in compliance with the provisions of this section, the company shall be liable to a penalty not exceeding fifty rupees for every day during which such default continues, and every director and manager of the company who shall knowingly and wilfully authorize or permit such default, shall incur the like penalty.

Every member and every creditor of any company mentioned in this section shall be entitled to a copy of the above mentioned statement on payment of a sum not exceeding eight annas.

**S. XLVI.** If any company under this Act not having a capital divided into shares, makes default in keeping a register of its directors or managers, or in sending a copy of such register to the registrar in compliance with the foregoing rules, or in notifying to the registrar any change that takes place in such directors or managers, such delinquent company shall incur a penalty not exceeding one hundred rupees for every day during which such default continues, and every director or manager of the company who shall knowingly and wilfully authorize or permit such default, shall incur the like penalty.

Certain companies to publish statement entered in schedule.

Penalty on company not keeping register of directors.

**S. XLIX.** A general meeting of every company under this Act shall be held once at the least in every year. A balance-sheet shall be made out in every year, and laid before the company in general meeting and filed with the registrar of joint stock companies, and such balance-sheet shall contain a summary of the property and liabilities of the company arranged under the heads appearing in the form annexed to table A in the first schedule hereto, or as near thereto as circumstances admit. And once at the least in every year the accounts of the company shall be examined, and the correctness of the balance-sheet ascertained by one or more auditor or auditors. If default is made in compliance with any of the provisions of this section, every director and manager of the company who shall knowingly and wilfully authorize or permit such default, shall be liable to a penalty of one thousand rupees.

**S. LIII.** A copy of every special resolution that is passed by any company under this Act shall be printed and forwarded to the registrar of joint stock companies, and be recorded by him. If such copy is not so forwarded within fifteen days from the date of the confirmation of the resolution, the company shall incur a penalty not exceeding twenty rupees for every day after the expiration of such fifteen days during which such copy is omitted to be forwarded, and every director and manager of the company who shall knowingly and wilfully authorize or permit such default, shall incur the like penalty.

**S. LIV.** Where articles of association have been registered, a copy of every special resolution for the time being in force shall be annexed to or embodied in every copy of the articles of association that may be issued after the passing of such resolution. Where no articles of association have been registered, a copy of every special resolution shall be forwarded in print to any member requesting the same, on payment of one rupee or such less sum as the company may direct. If any company makes default in complying with the provisions of this section, it shall incur a penalty not exceeding twenty rupees for each copy in respect of which such default is made; and every director and manager of the company who shall knowingly and wilfully authorize or permit such default, shall incur the like penalty.

**S. LVIII.** It shall be the duty of all officers and agents of the company to produce for the examination of the inspectors all books and documents in their custody or power. Any inspector may examine upon oath or affirmation the officers and

agents of the company in relation to its business, and may administer such oath or affirmation accordingly. If any such officer or agent refuses to produce any book or document hereby directed to be produced, or to answer any question relating to the affairs of the company, he shall incur a penalty not exceeding one hundred rupees in respect of each offence.

**S. LX.** Any company under this Act may, by special resolution, appoint inspectors for the purpose of examining into the affairs of the company. The inspectors so appointed shall have the same powers and perform the same duties as inspectors appointed by the local Government, with this exception, that, instead of making their report to the local Government, they shall make the same in such manner and to such persons as the company in general meeting directs. The officers and agents of the company shall incur the same penalties in case of any refusal to produce any book or document hereby required to be produced to such inspectors, or to answer any question, as they would have incurred if such inspectors had been appointed by the local Government.

**S. CXXXIII.** If the official liquidator makes default in reporting to the registrar, in the case of a company being wound up by the court, the order that the company be dissolved, he shall be liable to a penalty not exceeding one hundred rupees for every day during which he is so in default.

**S. CLIX.** The liquidators shall make a return to the registrar of such meeting having been held, and of the date at which the same was held, and on the expiration of three months from the date of the registration of such return, the company shall be deemed to be dissolved. If the liquidators make default in making such return to the registrar, they shall incur a penalty not exceeding fifty rupees for every day during which such default continues.

**S. CLXXXVI.** If any director, officer or contributory of any company wound up under this Act, destroys, mutilates, alters, falsifies, or fraudulently secretes any books, papers, writings or securities, or makes, or is privy to the making of any false or fraudulent entry in any register, book of account, or other document belonging to the company, with intent to defraud or deceive any person, every person so offending shall be punished with imprisonment of either description as defined in the Indian Penal Code, for a term which may extend to two years, and shall also be liable to fine which may extend to five hundred rupees.



**S. CLXXXVIII.** If any person, upon any examination upon oath or affirmation authorized under this Act, or in any affidavit, deposition or solemn affirmation in or about the winding-up of any company under this Act, or otherwise in or about any matter arising under this Act, intentionally gives false evidence, he shall, upon conviction, be liable to imprisonment of either description as defined in the Indian Penal Code, for a term which may extend to seven years, and shall also be liable to fine.

**S. CCXXIV.** If any company required by the last section to register under this Act makes default in complying with the provisions thereof, then, from and after the day upon which such company is required to register under this Act, until the day on which such company is registered under this Act (which it is empowered to do at any time), the following consequences shall ensue; (that is to say)—

(1.) The company shall be incapable of suing, but shall not be incapable of being made a defendant to a suit:

(2.) No dividend shall be payable to any shareholder in such company:

(3.) Each director or manager of the company shall, for each day during which the company so being in default carries on business, incur a penalty not exceeding one hundred rupees, and such penalty may be recovered by any person, whether a shareholder or not in the company, and be applied by him to his own use.

Nevertheless, such default shall not render the company so being in default illegal, nor subject it to any penalty or disability other than as specified in this section, and registration under this Act shall cancel any penalty or forfeiture, and put an end to any disability which any company may have incurred by reason of its not having registered under the said Act No. XIX of 1856.

**\* CCXXVI.** If any offence which by this Act is declared to be punishable by any penalty shall be committed by any person within the local limits of the ordinary original civil jurisdiction of the high court, such offence shall be punishable upon summary conviction by any magistrate of police of the place at which such court is held.

\* Section 226 prescribes that if any offence declared to be punishable by a penalty is committed within the local limits of the High Court, such offence shall be punishable upon summary conviction by a Magistrate of Police.

Penalty for false evidence.

Penalty on company not registering.

Punishment of offences under this Act, committed within local limits of high court.

**\* CCXXVII.** All penalties imposed under the authority of this Act may, in case of non-payment thereof, be levied by distress and sale of the offender's movable property by warrant under the hand of the officer imposing the penalty.

**\* CCXXVIII.** In case any such penalty shall not be forthwith paid, such officer may order the offender to be arrested and kept in safe custody until the return can be conveniently made to such warrant of distress, unless the offender shall give security to the satisfaction of such officer for his appearance at such place and time as shall be appointed for the return of the warrant of distress.

**\* CCXXIX.** If upon the return of the warrant it shall appear that no sufficient distress can be had whereon to levy such penalty, and the same shall not be forthwith paid, or in case it shall appear to the satisfaction of such officer, by the confession of the offender or otherwise, that he has not sufficient movable property whereupon such penalty could be levied if a warrant of distress were issued, any such officer may, by warrant under his hand, commit the offender to prison, for any term not exceeding two months when the amount of penalty shall not exceed fifty rupees, and for any term not exceeding four months when the amount shall not exceed one hundred rupees, and for any term not exceeding six months in any other case, the commitment to be determinable in each of the cases aforesaid on payment of the amount of penalty.

## CONTAGIOUS DISEASES' Act XIV of 1868.

*For the Prevention of Certain Contagious Diseases.*

† III. The places to which this Act applies shall be such places as the local Government shall from time to time, with the previous sanction of the Governor-General of India in Council, specify by notification in the official gazette. The limits of such places shall, for the purposes of this Act, be such as are defined

\* Sections 227 and 228 prescribe the procedure for enforcing any penalties imposed in case of non-payment, and Section 229 provides that in case of non-payment or non-recovery of penalty by distress and sale, the offender shall be liable to various periods of imprisonment, ranging from 2 months to 6 months according to the amount of the penalty.

† This Act applies to such places as the local Government shall, with the previous sanction of the Governor-General, specify by Notification in the official gazette. (Vide Section 3.)

Levy of penalties by distress.

Procedure until return is made to distress warrant.

Imprisonment if no sufficient distress.

in the said notification, and may from time to time, with such sanction as aforesaid, be altered by a like notification.

**S. IV.** In any place to which this Act applies, no woman shall carry on the business of a common prostitute, and no person shall carry on the business of a brothel-keeper, without being registered under this Act at such place, and without having in her or his possession such evidence of registration as hereinafter provided.

Any woman carrying on the business of a common prostitute, and any person carrying on the business of a brothel-keeper, without having been registered as aforesaid, or without having in her or his possession such evidence as aforesaid, shall, on conviction before a magistrate, be punished with imprisonment for a term which may extend to one month, or with fine not exceeding one hundred rupees, or with both.

**S. VI.** Whenever any such woman changes her residence, she shall give notice thereof to such person and in such manner as the local Government shall from time to time direct; and the necessary alterations shall be made in the said book and in the evidence of registration furnished to her as aforesaid.

Any such woman failing to give notice as aforesaid shall, on conviction before a magistrate, be punished with imprisonment for a term which may extend to fourteen days, or with fine not exceeding fifty rupees, or with both.

Whenever any brothel-keeper changes his residence, or acquires or enters into the occupation of any such house, room, or place as last aforesaid, other than the house, room or place of which the situation has been registered as aforesaid, he shall give notice thereof to such person and in such manner as the local Government shall from time to time direct, and the necessary alterations or additions shall be made in or to the said book and in the evidence of registration furnished to him as aforesaid.

Any such brothel-keeper failing to give notice as last aforesaid shall, on conviction before a magistrate, be punished with imprisonment for a term which may extend to one month, or with fine not exceeding one hundred rupees, or with both.

**S. VII.** Any registered woman or brothel-keeper who, without reasonable excuse, neglects or refuses to produce and show the evidence of her or his registration with which she or he shall have been furnished as aforesaid, when required so to do by such officer as the local Government shall from time to time appoint in this behalf, shall, on conviction before a magistrate, be punished with imprisonment for a term which may extend to fourteen days, or with fine not exceeding fifty rupees, or with both.

Information of the class of officers for the time being authorized to make requisitions under this section shall be furnished to registered women and brothel-keepers under such rules as the local Government shall from time to time prescribe.

**S. VIII.** If any brothel-keeper, whether registered as such under this Act or not, has reasonable cause to believe any woman to be a prostitute and not to be registered under this Act, and induces or suffers her to resort or be, for the purpose of prostitution, to or in the house, room or place in which he carries on his said business, he shall, on conviction before a magistrate, be punished with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

Provided that nothing in this or any other section of this Act shall exempt the offender from any penal or other consequences to which he may be liable for keeping, or being concerned in keeping a brothel, or disorderly house, or for the nuisance thereby occasioned.

**S. XI.** For each of the places to which this Act applies, the local Government may make rules consistent with this Act respecting the time and places of examination under this Act at that place, and generally respecting the arrangements for the conduct of those examinations, and for recording the results thereof; and a copy of rules purporting to be rules under this section shall, if signed by a secretary to such Government, be evidence of such rules for the purposes of this Act.

The local Government may also require the persons making such examination to send in reports to such persons, at such times and in such form as the local Government shall from time to time prescribe.

Any person not a medical officer, appointed to make such examination, and any registered woman disobeying any rule made under this section, shall, on conviction before a magistrate, be punished with simple imprisonment for a term which may extend to one month, or with fine not exceeding one hundred rupees, or with both.

**S. XVI.** If any woman authorized by such medical officer to be detained in a certified hospital for medical treatment, quits the hospital without being discharged therefrom by the chief medical officer thereof, by writing under his hand (the proof whereof shall lie on the accused), or



if any woman authorized by this Act to be detained in a certified hospital for medical treatment, or any woman being in a certified hospital under medical treatment for a contagious disease, refuses, or wilfully neglects while in the hospital to conform to the regulations thereof approved under this Act;

then and in every such case such woman shall, on conviction before a magistrate, be punished with imprisonment, in the case of a first offence, for any term not exceeding one month, and in the case of a second or any subsequent offence, for any term not exceeding three months; and in case she quits the hospital without being discharged as aforesaid, she may be taken into custody without warrant by any officer of police.

On the expiration of her term of imprisonment under this section, such woman shall be sent back from the prison to the certified hospital, and shall be detained there unless the medical officer of the prison at the time of her discharge from imprisonment, certifies in writing that she is free from contagious disease (the proof of which certificate shall lie on her).

**S. XVII.** It shall be lawful for the local Government to empower such surgeons or other persons as it shall from time to time appoint, to prescribe, by order to be served on any woman registered under this Act, who has not received a notice under Section 14, the times and places at which she shall attend for medical treatment, and, if necessary, the medical treatment to which she shall submit.

Every such woman disobeying or failing to comply with any such order shall, on conviction before a magistrate, be punished with imprisonment for a term which may extend to a month, or with fine not exceeding one hundred rupees, or with both.

**S. XVIII.** If any registered woman on whom such order as last aforesaid shall have been served, conducts herself as a common prostitute before such surgeon or other person empowered as last aforesaid, certifies in writing to the effect that she is then free from a contagious disease (the proof of which certificate shall lie on her), she shall, on conviction before a magistrate, be punished with imprisonment for a term which may extend to six months, or with fine not exceeding five hundred rupees, or with both.

Power to provide for out-door treatment of registered women.

Penalty for acting as a prostitute while under medical treatment.

**S. XX.** In any place to which the local Government shall, by notification in the official gazette, have specially extended this section, it shall be lawful for such officer as the local Government shall from time to time appoint in this behalf, to cause a notice to be served on any registered woman, requiring her, after an interval of not less than seven days, to be mentioned in the notice, not to reside in any street or place therein specified.

Any registered woman, on whom such notice shall have been served, disobeying the requisition therein contained, shall, on conviction before a magistrate, be punished with imprisonment, in the case of a first offence, for any term not exceeding one month, and in the case of a second or any subsequent offence, for any term not exceeding three months.

## CRIMINAL PROCEDURE CODE Act X of 1872.

*For regulating the Procedure of the Courts of Criminal Judicature.*

**S. CCIX.** A magistrate may dismiss the complaint as frivolous or vexatious, and may, in his discretion, by his order of dismissal, award that the complainant shall pay to the accused person such compensation, not exceeding fifty rupees, as to such magistrate seems just and reasonable.

**S. CCCLVI.** If any person summoned or brought before a magistrate, refuses to answer such questions as are put to him, without offering any reasonable excuse for such refusal, such magistrate may, by warrant under his hand and seal, commit him to custody for any term not exceeding seven days, unless in the meantime such person consents to be examined and to answer; after which, in the event of his persisting in his refusal, he may be dealt with according to the provisions of Section 435 or 436.

**S. CCCLXIV.** If a witness before a court of session refuses to answer any question which is put to him, and does not offer any just excuse for such refusal, the court may commit him to custody for such reasonable time as it deems proper, unless in the meantime he consents to be examined and to answer. In the event of such witness persisting in his refusal, he may be dealt with according to the provisions of Section 435 or 436.

**S. CCCXIV.** Any person summoned to attend as a juror or as an assessor, who, without lawful excuse, fails to attend as required by the summons, or who, having attended, departs without having obtained the permission of the court, or fails to attend after an adjournment of the court after being

Penalty for residing in street or place after prohibition.

Compensation in case of frivolous or vexatious complaints.

Commitment of person refusing to answer.

Procedure in case of witness refusing to answer.

Penalty for non-attendance of juror or assessor.

ordered to attend, shall be liable, by order of the court of session, to a fine not exceeding one hundred rupees.

Such fine shall be levied by the magistrate of the district by attachment and sale of any movable property belonging to such juror or assessor within the jurisdiction of the sessions court making the order.

In default of recovery of the fine by such attachment and sale, such juror or assessor may be imprisoned in the civil jail for the space of fifteen days if the fine be not sooner paid.

**S. CCCCXXXV.** When any such offence as is described in Section 175, 178, 179, 180, or 228 of the Indian Penal Code, is committed in the view or presence of any civil, criminal, or revenue court, the court may cause the

*Procedure in certain cases of contempt.*

offender, whether he be a European British subject or not, to be detained in custody; and, at any time before the rising of the court on the same day, may take cognizance of the offence, and adjudge the offender to punishment by fine not exceeding 200 rupees, and in default of payment, by imprisonment in the civil jail for a period not exceeding one month, unless such fine be sooner paid.

In every such case the court shall record the facts constituting the offence, with any statement the offender may make, as well as the finding and sentence.

If the offence is under Section 228 of the Indian Penal Code, the record must show the nature and stage of the judicial proceeding in which such public servant was sitting, and the nature of the interruption or insult offered.

**S. CCCLXXXIX.** Whenever a person accused of rioting, assault, or

*Personal recognizance to keep the peace in case of conviction.*

other breach of the peace, or with abetting the same, or with assembling armed men or taking other unlawful measures with the evident intention of committing the same, is convicted of such offence before a court of session, or magistrate of a division of a district, or magistrate of the 1st class, and the court or magistrate by which or by whom such person is convicted, or the court or magistrate by which or by whom the final sentence or order in the case is passed, is of opinion that it is just and necessary to require such person to give a personal recognizance for keeping the peace,

such court or magistrate may, in addition to any other order passed in the case, direct that the person so convicted be required to execute a formal engagement in a sum proportionate to his condition in life and the circumstances of the case, for keeping the peace during such period as it

may appear proper to fix in each instance, not exceeding one year if the sentence or order be passed by a magistrate, or three years if the sentence or final order be passed by a court of session, with a provision that if the same be not given, the person required to enter into the engagement shall be kept in simple imprisonment for any time not exceeding one year if the order be passed by a magistrate, or three years if the order be passed by the high court or by a court of session, unless within such period such person execute such formal engagement as aforesaid.

If the accused person be sentenced to imprisonment, the period for which he may be required to execute a recognizance, and the imprisonment in default of executing such recognizance, shall commence when he is released on the expiration of his sentence.

When any accused person is convicted of any offence specified in this section by a magistrate neither in charge of a division of a district nor of the first class, such magistrate, if he considers it just and necessary to require a personal recognizance for keeping the peace from the person so convicted, shall report the case to the magistrate of the district, the magistrate of the division of the district, or to a magistrate of the first class to whom such magistrate is subordinate; and the magistrate to whom the case is so reported shall deal with the case as if the conviction had been before himself.

In any case where the order is not made at the time of signing, or by the court which signs the judgment, the convict must be produced before the magistrate who adds the order to enter into a personal recognizance to the original sentence.

**S. CCCCXC.** Whenever it appears necessary to require security for

*Security to keep the peace.*

keeping the peace in addition to the personal recognizance of the party so convicted, the court or magistrate empowered to require a personal recognizance, may require security in addition thereto, and may fix the amount of the security-bond to be executed by the surety or sureties; with a provision that, if the same be not given, the party required to find the security shall be kept in simple imprisonment for any time not exceeding one year if the order be passed by the magistrate of the district or magistrate of a division of a district, or by a first class magistrate, or three years if the order be passed by the high court or by a court of session.

**S. CCCCXCVII.** If the magistrate is satisfied that it is necessary for the preservation of the peace to take a bond from such person with or without security, he shall make an order accordingly; and, if such person fails to

*Non-compliance with order to give bond.*

comply with the order, the magistrate may order him to be kept in simple imprisonment until he furnish the same.

**S. CCCCXCIX.** Whenever it appears to the magistrate that it is necessary for the preservation of the peace to bind a person beyond the term of one year, he may, before the expiration of the first year, record his opinion to that effect and grounds thereof, and may refer the case for the orders of the court of session.

Such court, after examining the proceedings of the magistrate, and making such further inquiry as it thinks necessary, may, if it see cause, authorize the magistrate to extend the term for a further period not exceeding one year.

If such person fails to give a bond, with security if required, for his keeping the peace for such further period as the magistrate under the orders of the court of session directs, he may be kept in simple imprisonment for such further period, or until, within that period, he gives such bond.

**S. DII.** Whenever it is proved before the magistrate that any recognizance or other bond taken under this chapter has been forfeited, he shall record the grounds of such proof, and shall call upon the person bound by such recognizance or bond, to pay the penalty thereof, or to show cause why it should not be paid.

If sufficient cause be not shown, and the penalty be not paid, the magistrate shall proceed to recover the same by issuing a warrant for the attachment and sale of any of the movable property belonging to the person bound by such recognizance or bond.

Such warrant may be executed within the jurisdiction of the magistrate of the district in which it is issued; and it shall authorize the distress and sale of any movable property belonging to the person bound without the jurisdiction of the said magistrate, when endorsed by the magistrate of the district in which such property is situated.

If such penalty be not paid, and cannot be recovered by such attachment and sale, such person shall be liable to imprisonment by order of the magistrate in the civil jail for a period not exceeding six months.

The penalty shall not be enforced until the person bound has had an opportunity of showing cause, and until the breach of the conditions has been proved.

The commission or attempt to commit, or abetment of any offence whatever and wherever it may be committed, is a breach of the bond.

Proceedings under this chapter may be taken either in the district in which the breach of the peace is apprehended, or where an offence has been committed in breach of the bond, or in any district where the person it is desired to bind may be.

**S. DIII.** Whenever it is proved before the magistrate that any bond with a surety has been forfeited, the magistrate may at his discretion give notice to the surety to pay the penalty to which he has thereby become liable, or to show cause why it should not be paid.

If no sufficient cause is shown, and such penalty is not paid, the magistrate may proceed to recover payment of the penalty from such surety in the same manner as from the principal party.

**S. DIV.** Whenever it appears to the magistrate of the district, or to a magistrate of the first class, that any person is lurking within his jurisdiction, or that there is within his jurisdiction a person who has no ostensible means of subsistence, or who cannot give a satisfactory account of himself, such magistrate may require such security for such person's good behaviour for a period not exceeding six months as to him may appear good and sufficient.

If in any case under this or the two following sections, the person to be bound is under sentence for an offence, he must be brought up on or after the expiration of his sentence for the purpose of being bound.

If a sessions judge or magistrate of the second or third class considers, from evidence taken in any proceedings before him, that any person should be required to enter into a bond to be of good behaviour, he may send such person in custody to a competent magistrate.

A magistrate in charge of a division of a district, exercising the powers of a magistrate of the second class, may make any inquiry necessary under this chapter, and may submit his proceedings to the magistrate of the district, who may pass such order on them, either directing the person whose character was inquired into to furnish security or not, as he thinks fit.

**S. DV.** Whenever it appears to such magistrate, from the evidence as to general character adduced before him, that any person is by repute a robber, house-breaker, or thief,

Extension of time for which person may be bound.

Recovery of penalty from principal.

When magistrate may require security for good behaviour for six months.

When sessions judge or unauthorized magistrate thinks a person should be bound.

When sessions judge or unauthorized magistrate thinks a person should be bound.

When sessions judge or unauthorized magistrate thinks a person should be bound.

When sessions judge or unauthorized magistrate thinks a person should be bound.

When sessions judge or unauthorized magistrate thinks a person should be bound.

or a receiver of stolen property knowing the same to have been stolen, or of notoriously bad livelihood, or is a dangerous character, such magistrate may require similar security for the good behaviour of such person for a period not exceeding one year.

**S. DVI.** Whenever it appears to such magistrate, from the evidence as to general character adduced before him, that any person is by habit a robber, house-breaker, or thief,

Procedure where security required for more than one year.

or a receiver of stolen property knowing the same to have been stolen,

or of a character so desperate and dangerous as to render his release without security, at the expiration of the limited period of one year, hazardous to the community,

he shall record his opinion to that effect, with an order specifying the amount of security which should, in his judgment, be required from such person, as well as the number, character, and class of sureties, and the period, not exceeding three years, for which the sureties should be responsible for such person's good behaviour; and, if such person does not comply with the order, the magistrate shall issue a warrant directing his detention pending the orders of the court of session.

**S. DXIV.** Whenever a competent magistrate is of opinion that, by reason of an offence proved to have been committed by a person for whose good behaviour security has been given, subsequent to his having given such security, proceedings should be had upon the bond executed by the surety, such magistrate shall give notice to the surety to pay the penalty, or to show cause why it should not be paid.

If such penalty be not paid and no sufficient cause for non-payment be shown, such magistrate shall proceed to recover the penalty from such surety by issuing a warrant for the attachment and sale of any movable property belonging to him. Such warrant may be executed within the jurisdiction of the magistrate of the district in which it is issued; and it shall authorize the distress and sale of any movable property belonging to such surety, without the jurisdiction of the said magistrate, when endorsed by the magistrate of the district in which such property is situated.

If such penalty be not paid, and cannot be recovered by such attachment and sale, the surety shall be liable to imprisonment by order of such magistrate in the civil jail for a period not exceeding six months.

**S. DXXXVI.** If any person, having sufficient means, neglects or refuses to maintain his wife, or legitimate or illegitimate child unable to maintain himself, the magistrate of the district, or a magistrate of a division of a district, or a magistrate of the first class, may, upon due proof thereof by evidence, order such person to make a monthly allowance for the maintenance of his wife or such child at such monthly rate, not exceeding 50 rupees in the whole, as to such magistrate seems reasonable.

Such allowance shall be payable from the date of the order.

If such person wilfully neglects to comply with this order, such magistrate may, for every breach of the order, by warrant, direct the amount due to be levied in the manner provided for levying fines, and may order such person to be imprisoned with or without hard labour for any term not exceeding one month for each month's allowance remaining unpaid:

Provided that, if such person offers to maintain his wife on condition of her living with him, and his wife refuses to live with him, such magistrate may consider any grounds of refusal stated by such wife, and may make the order allowed by this section notwithstanding such offer, if he is satisfied that such person is living in adultery, or that he has habitually treated his wife with cruelty.

No wife shall be entitled to receive an allowance from her husband under this section, if she is living in adultery, or if, without any sufficient reason, she refuses to live with her husband, or if they are living separately by consent.

## CRIMINAL TRIBES' Act XKVII of 1871.

*For the Registration of Criminal Tribes and Eunuchs.*

**Short title.** \* 1. This Act may be called "The Criminal Tribes' Act, 1871," and it shall come into force on the passing thereof.

**Commencement.** This section and Section 20 extend to the whole of British India: the rest of this Act extends only to the territories under the Governments of the Lieutenant-Governors of the North-Western Provinces and the Punjab respectively, and under the administration of the Chief Commissioner of Oudh.

**Local extent.** \* Sections 1 and 20 extend to the whole of British India; the rest of the Act extends only to the territories under the Governments of the Lieutenant-Governors of the North-Western Provinces and the Punjab respectively, and under the administration of the Chief Commissioner of Oudh. (Vide Section 1.)



Penalties for failing to appear, refusing to appear, or giving false information.

**S. IX.** Any member of any such tribe, gang, or class, who, without lawful excuse, the burthen of proving which shall lie upon him,

shall fail to appear according to such notice, or who shall intentionally omit to furnish such information, or who shall furnish, as true, information on the subject which he knows or has reason to believe to be false,

shall be deemed guilty of an offence under the first parts of Section 174 or 176 or 177 of the Indian Penal Code respectively, as the case may be.

**S. XIX.** Any person violating any of the rules made under Section 18 shall be punished with rigorous imprisonment for a term which may extend to six months, or with fine, or with whipping, or with all or any two of those punishments; and, on any second conviction for a breach of any of the said rules, with rigorous imprisonment which may extend to one year, or with fine, or with whipping, to be inflicted in the manner prescribed by any law in force for the time being in relation to whipping, or with all or any two of those punishments.

**\* XX.** Any person registered under the provisions of this Act, who is found in any part of British India beyond the limits so prescribed for his residence, without such pass as may be required by the said rules, or in a place or at a time not permitted by the conditions of his pass,

or who escapes from a reformatory settlement, may be arrested without warrant by any police officer or village-watchman, and taken before a magistrate, who, on proof of the facts, shall order him to be removed to the district in which he ought to have resided, or to the reformatory settlement from which he has escaped (as the case may be), there to be dealt with according to the rules under this Act for the time being in force.

The rules for the time being in force for the transmission of prisoners shall apply to all persons removed under this section: provided that an order from the local Government or from the inspector-general of prisons shall not be necessary for the removal of such persons.

**S. XXII.** Any village-headman, village-watchman, owner or occupier of land, who shall fail to comply with the requirements of Section 21, shall be deemed to have committed an offence under the first part of Section

Penalty on failing to give information.

176 of the Indian Penal Code.

\* Vide note in the preceding page

Penalty on registered eunuch appearing in female clothes, or dancing in public, or for hire.

**S. XXVI.** Any eunuch so registered, who appears dressed or ornamented like a woman, in a public street or place, or in any other place with the intention of being seen from a public street or place,

or who dances or plays music, or takes part in any public exhibition in a public street or place, or for hire in a private house,

may be arrested without warrant, and shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

**S. XXVII.** Any eunuch so registered, who has in his charge, or keeps in the house in which he resides, or under his control, any boy who has not completed the age of sixteen years, shall be punished with imprisonment for a term which may extend to two years, or with fine, or with both.

Penalty on registered eunuch keeping boy under sixteen.

**S. XXX.** Any officer authorized by the local Government in this behalf may, from time to time, require any eunuch so registered to furnish information as to all property, whether movable or immovable, of or to which he is possessed or entitled, or which is held in trust for him.

Power to require information as to registered eunuch's property.

Any such eunuch intentionally omitting to furnish such information, or furnishing, as true, information on the subject which he knows or has reason to believe to be false, shall be deemed to have committed an offence under Section 176 or 177 of the Indian Penal Code, as the case may be

Penalty for refusing such information.

## CUSTOMS' Act VI of 1844.

*For abolishing the levy of transit or inland Customs' duties, &c.*

**S. XIV.** And it is hereby enacted that any choicest officer who shall permit goods to pass across the frontier when not covered by a sufficient certificate, or who shall permit goods to pass by any prohibited route, shall be liable, on conviction before the collector of customs, to imprisonment for a term not exceeding six months, and to a fine not exceeding five hundred rupees, commutable, if not paid, to imprisonment for a further period of six months.

Penalty for officer permitting goods to cross the frontier without certificate or by prohibited route.

**S. XV.** And it is hereby enacted that if any choosce officer shall need-

Penalty for a choosce officer needlessly and vexatiously injuring goods or wrongfully detaining them,

lessly and vexatiously injure goods under the presence of examination, or in the course of his examination, or shall wrongfully detain goods for which there shall be produced a sufficient certificate, such officer shall, on conviction before the collector of customs, or before any magistrate or joint magistrate, be liable to imprisonment for a term not exceeding six months, and a fine not exceeding five hundred rupees, commutable, if not paid, to imprisonment for a further period of six months.

### CUSTOMS' Act VI of 1863.

*To consolidate and amend the laws relating to the administration of the Department of Sea Customs in India.*

**S. XXIV.** If any goods, the importation or exportation of which is

Goods imported or exported contrary to prohibition liable to confiscation.

prohibited or restricted, or shall hereafter be prohibited or restricted, be imported into or exported from British India contrary to such prohibition or restriction; or if any attempt be made so to import or export any such goods; or if any such goods be found in any package produced to any officer of customs as containing no such goods; or if any such goods, or any goods subject to a duty or restriction in respect of importation or exportation, be found either before or after landing or shipment to have been concealed in any manner on board of any vessel within the limits of any port in British India; or if any goods, the exportation of which is or shall be prohibited or restricted, be brought to any wharf in order to be put on board of any vessel for exportation contrary to such prohibition or restriction,—such goods, together with any goods which shall be found packed with or used in concealing them, shall be liable to confiscation; and any person concerned in any such offence shall be liable to a penalty not exceeding three times the value of the goods, or not exceeding one thousand rupees.

**S. XXXII.** The chief customs authority of any presidency or place may, from time to time, appoint in any port in British India, stations or places at which vessels

Stations may be appointed for customs officers to board and also land from ship.

arriving at, or departing from, such port, shall bring to for the boarding or landing of officers of customs;

and may direct at what particular place in any such port, small vessels, not brought into port by pilots, shall be required to anchor or moor. The chief officer of customs of any such port may, at any time, station

officers of customs on board of any vessel while such vessel remains within the limits of the port. Any person infringing any rule or order made under this section by the chief customs authority of any presidency or place, or by the chief officer of customs of any port, shall be liable to a penalty not exceeding five hundred rupees.

**S. XXXIV.** If, in any river or port wherein a place has been so fixed by the local Government, the master or commander of any vessel arriving from a foreign port or place shall wilfully omit, before passing beyond such place, to deliver a report or manifest in the form and containing the particulars indicated in the last preceding section, in so far as they are applicable to his ship, cargo, and voyage; or if any report or manifest so delivered shall not contain a true specification of goods imported in such vessel, such master or commander shall, in every such case, be liable to a penalty not exceeding one thousand rupees.

**S. XXXV.** If, in any river or port wherein a place has been fixed by the local Government under Section XXXIII of this Act, the master or commander of any vessel arriving from any foreign port or place shall remain outside or below the place so fixed, such master or commander shall, nevertheless, so soon as the vessel shall anchor, deliver to the pilot, officer of customs, or other person authorized to receive the same, a report or manifest as provided in the said section. If any master or commander so remaining outside or below any such fixed place, shall wilfully omit, for the space of twenty-four hours after anchoring, to deliver his report or manifest, such master or commander shall, in every such case, be liable to a penalty not exceeding one thousand rupees.

**S. XXXVI.** If, after any vessel arriving from any foreign port or place shall have entered any port in British India at which a custom house is established, and in which a place shall not have been fixed under Section XXXIII of this Act, the master or commander of such vessel shall wilfully omit, for the space of twenty-four hours after anchoring, to deliver as required by that section his report or manifest to the pilot, officer of customs, or other person authorized to receive the same, such master or commander shall, in every such case, be liable to a penalty not exceeding one thousand rupees.

Penalty for not delivering report or manifest within 24 hours after anchoring.



**S. XXXVII.** If any pilot, officer of customs, or other person authorized to receive a report or manifest from any master or commander of a vessel, shall refuse so to do, he shall, in every such case, be liable to a penalty not exceeding five hundred rupees.

Penalty for pilot, &c., not receiving report or manifest.

**S. XXXVIII.** If any vessel arriving from any foreign port or place at any port in British India, shall, after having come to its proper place of mooring or unloading, remove from such place, except with the authority of the master attendant or harbour master, obtained in accordance with the provisions of Act XXII. of 1855

Penalty for vessel removing from place of mooring or unloading without due authority.

(for the regulation of *Ports and Port-dues*), directly to some other place of mooring or unloading, the master or commander of such vessel shall, in every such case, be liable to a penalty not exceeding one thousand rupees, and the vessel shall not be allowed to enter until the penalty is paid.

**S. XIa.** If the master or commander of any vessel arriving at any port

Penalty for not bringing to at boarding station.

in British India from any foreign port or place shall, when so required under the last preceding section, fail to bring to at any such station as shall have been appointed by the chief customs authority of the presidency or place for the boarding of vessels by an officer of customs, such master or commander shall, in every such case, be liable to a penalty not exceeding one thousand rupees.

**S. XLII.** Every master or commander of a vessel who shall refuse to

Penalty for refusing to receive officer of customs on board.

receive on board an officer of customs deputed as above provided, shall be liable to a penalty not exceeding five hundred rupees for each day during which such officer shall not be received on board; and the vessel shall not be allowed to enter until the penalty is paid.

**S. XLIII.** Every master or commander of a vessel who is bound to receive on board an officer of customs, shall also

Accommodation of officers.

be bound to receive on board one servant of such officer, and to provide such officer and servant with suitable shelter and accommodation, and likewise with a due allowance of fresh water, and with the means of cooking on board. If any master or commander shall wilfully disobey the directions

Penalty.

contained in this section, he shall in every such case be liable to a penalty not exceeding five hundred rupees.

**S. XLV.** If any master or commander of a vessel shall refuse to allow such vessel, or any box, place, or closed receptacle

Penalty for masters resisting search, &c.

in such vessel to be searched when so required by an officer of customs bearing a written order to search; or if an officer of customs shall place any lock, mark, or seal upon any goods, and such lock, mark, or seal shall be wilfully opened, altered, or broken, before due delivery of such goods; or if any such goods shall be secretly conveyed away; or if any hatchway or entrance to the hold, after having been fastened down by an officer of customs, shall be opened without his permission,—in every such case the master or commander of such vessel shall be liable, upon conviction before a magistrate, to a penalty not exceeding one thousand rupees.

**S. XLVII.** The master or commander of every vessel arriving from any foreign port or place shall, at the time of applying for entry inwards at any port in British India,

Master or commander to deliver bill of lading, &c., to officer in charge of custom house.

deliver to the officer in charge of the custom house, if required so to do, the bill of lading or a copy thereof for every part of the cargo laden on board, and shall answer all such questions relating to the vessel, cargo, crew, and voyage as shall be put to him by such officer. If any such bill of lading or copy thereof shall be false; or if any such bill of lading or copy shall have been altered with fraudulent intent; or if the goods expressed in any such bill of lading, or in any bill of lading of which a copy so produced, shall not have been *bona fide* shipped on board of such vessel; or if any such bill of lading so produced, or any bill of lading of which a copy shall be so produced by any such master or commander, shall not have been made previously to the departure of the vessel from the place where the goods expressed in such bill of lading were shipped; or if any part of the cargo shall have been staved, destroyed, or thrown overboard; or if any package be opened, and such part of the cargo or such package be not accounted for to the satisfaction of the officer in charge of the custom house;—in every such case the master or commander shall be liable to a penalty not exceeding one thousand rupees.

Penalty for false entry or report, &c.

**S. XLIX.** If any goods entered in the report or manifest shall not be found on board of the vessel, or if the quantity found

Penalty for not being able to account for missing or deficient package, &c.

be short, and if such deficiency be not accounted for to the satisfaction of the officer in charge of the custom house, the master or commander of such vessel shall be liable, in addition to full duty, to a penalty not exceeding twice the amount of duty chargeable on the missing or deficient goods, if they

be capable of being assessed therewith; or if they be not, to a penalty not exceeding five hundred rupees for every missing or deficient package of unknown value.

**S. LVIII.** Except with the written permission of the officer in charge of the custom house, no goods, with the exception of passengers' baggage, shall, on any Sunday, or on any holiday or day on which the discharge of cargo is or shall be prohibited by the chief customs authority of the presidency or place, be discharged from any vessel arriving at any port in British India from any foreign port or place; nor, except with such written permission, shall any goods be so discharged on any day, except between such hours as the chief customs authority shall from time to time appoint by notice in the official gazette; nor without the presence or authority of an officer of customs. Any master or commander of a vessel who shall cause or suffer any goods to be removed contrary to any of the provisions of this section, shall, in every such case, be liable to a penalty not exceeding one thousand rupees; and all goods so unauthorizedly removed shall be liable to confiscation.

**S. LXI.** When any goods shall be sent from on board of any vessel for the purpose of being landed and passed for importation, there shall be sent with each boat-load, or other separate despatch, a boat-note specifying the number of packages so sent, and the marks and numbers or other description thereof. Each boat-note shall be signed by an officer of the vessel, and likewise by the officer of customs on board, if any such officer be on board. If any goods sent to be landed be found without a boat-note in any boat proceeding to land, such goods shall be liable to confiscation; or the person by whose authority the goods are being landed, or the person in charge of the boat, if it appear that the fault was with him, shall be liable to a penalty not exceeding twice the amount of duty leviable on the said goods.

**S. LXIII.** If, without entry duly made, any goods shall be taken or passed out of any custom house or wharf, the person so taken or passing such goods shall in every such case be liable to a penalty not exceeding five hundred rupees. Provided that no entry shall be required in respect of passengers' baggage, which may be examined, landed, and delivered under such rules as shall from time to time be made under Section IV of this Act by the chief customs authority of the presidency or place. Any prohibited or

Goods landed on Sundays and other holidays, unless with permission, liable to confiscation.

Penalty for goods being delivered without entry.

Proviso as to passengers' baggage.

dutiable goods found, either before or after landing, concealed in any such baggage, together with the other contents of the package in which they are found, shall be liable to confiscation.

**S. LXIV.** If, after any goods have been landed and before they have been passed through the custom house, the importer, owner, or consignee, or his agent, or any one acting on his behalf, removes or attempts to remove them with the intention of defrauding the revenue, such goods shall be liable to confiscation; or, if the goods cannot be recovered, the owner shall be liable, in addition to full duty, to a penalty not exceeding twice the amount of such duty if the goods be capable of being assessed therewith; or, if they be not, to a penalty not exceeding one thousand rupees for every missing or deficient package of unknown value.

**S. LXXX.** If any goods entered to be warehoused, shall be carried into the warehouse, unless with the authority or under the care of the proper officers of customs, and in such manner, by such persons, within such time, and by such roads or ways as such officers shall direct, such goods shall be liable to confiscation, and the person so carrying them shall be liable to a penalty not exceeding one thousand rupees.

**S. LXXXII.** When goods are passed by bale or by package, the importer, owner, or consignee of such goods, or his agent, shall, for every omission or misdescription thereof, tending to injure the revenue, be liable to a penalty not exceeding ten times the amount of duty which might have been lost to Government by such omission or misdescription, unless it shall be proved to the satisfaction of the officer in charge of the custom house that the variance was accidental. If the quantity or value of any goods shall have been overstated on importation, the error may be rectified at any time before the warehousing of the goods shall be completed.

**S. LXXXIV.** If the keeper of any public warehouse, or the person who has obtained a license for any private warehouse, shall neglect to stow the goods warehoused therein, so that easy access may be had to every package and parcel thereof, he shall, for every such neglect, be liable to a penalty not exceeding fifty rupees.

**S. LXXXV.** If the keeper of any public warehouse, or the person who has obtained a license for any private warehouse, shall fail, on the requisition of any officer of customs, to produce any goods which shall have been deposited in such warehouse, and which shall not have been duly cleared and

Penalty for goods being removed after landing and before due entry.

Penalty for improper carrying into warehouse.

Penalty for misdescription of goods.

Penalty for keeper or licensee of a warehouse neglecting to stow goods properly.

Penalty for neglecting to produce goods when required.

delivered therefrom, he shall, for every such neglect, be liable not only to pay the duties due on such goods, but also to a penalty not exceeding fifty rupees in respect of every package or parcel so missing or deficient.

**S. LXXXVIII.** The officer in charge of the custom house, or any officer deputed by him for the purpose, shall have access to any private warehouse licensed under this Act; and if the person who has obtained a license for any such private warehouse shall not open the same when required so to do by any officer entitled under this Act, or under any other law, to have access thereto, or shall, upon demand made by any such officer at any time within the hours of business at the port, refuse access to any such officer, such person shall be liable to a penalty not exceeding one thousand rupees, and shall further be liable to have his license forthwith cancelled and withdrawn.

**S. XCI.** If the importer, owner, or consignee of any warehoused goods, or the agent or any person in the employ of such importer, owner, or consignee, shall clandestinely open any warehouse, or except in presence of the proper officer of customs gain access to his goods, such importer, owner, consignee, or agent shall, in every such case, be liable to a penalty not exceeding one thousand rupees.

**S. XCVI.** If any goods lodged in a private warehouse shall be found to be deficient at the time of delivery therefrom, the person who obtained the license for such warehouse shall, unless the deficiency be accounted for to the satisfaction of the officer in charge of the custom house, be liable to a penalty equal to five times the duty chargeable on the goods so deficient. Provided that nothing in this section shall apply to any wines, spirits, beer, or salt, the deficiency in which is proved to be due solely to ullage or wastage; and that it shall be competent to the chief customs authority of any presidency or place to direct, in respect to any such article, and for the purposes of this section, that allowance be made in any special case for a rate of ullage or wastage exceeding that contemplated in the last preceding section.

**S. C.** If any goods shall be taken out of any warehouse otherwise than as is provided in this Act, the bonder shall forthwith pay the duties due upon such goods; and every person who shall so take out any goods without payment of duty, or who shall aid, assist, or be concerned therein, shall, in every such case, be liable to a penalty not exceeding one thousand rupees. If the person so offending be an officer of customs not acting in ex-

Penalty for proprietor or licensor of private warehouses refusing access to customs officers.

Penalty for importer or owner of warehouses, clandestinely gaining access.

Penalty for deficiencies, if beyond ullage and wastage allowed.

Penalty if goods be taken out of warehouse without entry.

cution of his duty, and be prosecuted to conviction by the importer, owner, or consignee of such goods, no duty shall be payable in respect of such goods, and any damage so occasioned by such officer shall, with the sanction of the chief customs authority of the presidency or place, be re-paid by the officer in charge of the custom house to such importer, owner, or consignee.

**S. CXVI.** No vessel shall be entitled to entry outwards, or to take on board any part of her export cargo, until a written application shall have been duly made to the officer in charge of the custom house by the master or commander of such vessel, or by his authorized agent, nor until an order shall have been given thereon by such officer for such entry or shipment of cargo. Every application made under this section shall specify the name, tonnage, and nation of the vessel, the name of the master or commander, and the name of every place for which cargo is to be shipped. If any goods be taken on board of any vessel at any port in British India before she shall have been so entered outwards of such port, the master or commander of such vessel shall be liable to a penalty not exceeding one thousand rupees.

**S. CXVII.** A period of fifteen working days after the expiration of the period allowed for discharging import cargo under Section LI of this Act, or such further period as the officer in charge of the custom house shall direct, shall be allowed (without charge for the officer of customs) for the shipment of export cargo on board of every vessel not exceeding six hundred tons. One additional day shall in like manner be allowed for every fifty tons in excess of six hundred. If the period occupied in the shipment of export cargo be in excess of that allowed, the vessel shall be charged with the expense of the officer of customs at a rate not exceeding five rupees per diem (Sundays and holidays excepted) for such excess period. Due allowance shall in such case be made for any period during which a vessel, after the completion of the discharge of import cargo and before the commencement of the shipment of export cargo, shall be laid up by the withdrawal of the officer of customs upon application from the master or commander. If the master or commander of any vessel so laid up shall, before application is made by him or his agent for an officer of customs to superintend the receipt of cargo, cause or suffer to be put on board of such vessel any goods whatever, such master or commander shall be liable to a penalty not exceeding one thousand rupees, and the goods, if pro-

Penalty for lading in the absence of customs officer.

tested by a pass, shall be liable to be re-landed for examination at the expense of the vessel, and if not protected by a pass, shall be liable to confiscation.

**S. CXVIII.** Except with the written permission of the officer in charge of the custom house, no goods, with the exception of passengers' baggage, shall, on any Sunday or on any holiday or day on which the shipping of cargo is or shall be prohibited by the chief customs authority of the presidency or place, be shipped or water-borne to be

shipped for exportation from any port in British India; nor, except with such written permission, shall any goods be so shipped or water-borne to be shipped on any day except between such hours as such chief customs authority shall, from time to time, appoint by notice in the official gazette; nor from any place in any such port except a wharf duly appointed for such purpose; nor without the presence of the proper officer of customs; nor before due entry outwards of the exporting vessel, and of the goods; nor before such goods shall have been duly cleared for shipment. Any person

Penalty for contravention.

who shall cause or suffer any goods to be shipped or water-borne to be shipped contrary to any of the provisions of this section, shall, in every such case, be liable to a penalty not exceeding one thousand rupees; and any goods so unauthorizedly shipped or water-borne for shipment, together with any vessel in which they are being so water-borne, shall be liable to confiscation.

**S. CXXI.** Every master or commander of a vessel who shall refuse to receive on board an officer of customs deputed as above provided, shall be liable to a penalty not exceeding five hundred rupees for each day during which such officer shall not be received on board; and the vessel shall not be allowed to take in cargo until the penalty is paid.

Penalty for refusal to receive on board a deputed officer of customs.

**S. CXXII.** Every master or commander of a vessel, who is bound to receive on board an officer of customs under Section CXX of this Act, shall also be bound to receive on board one servant of such officer, and to provide such officer and servant with suitable shelter and accommodation, and likewise with a due allowance of fresh water and with the means of cooking on board. If any master or commander shall wilfully disobey the directions contained in this section, he shall, in every such case, be liable to a penalty not exceeding five hundred rupees.

One servant to be received on board with each officer of customs.

Accommodation of officer, &c.

Penalty for refusal to receive and accommodate servant.

**S. CXXV.** When any goods shall be sent for the purpose of being shipped for exportation on board of any vessel, there shall be sent with each boat-load or other separate

Boat-note.

despatch a boat-note specifying the number of packages so sent, and the marks and numbers or other description thereof. Each boat-note shall be signed by the proper officer of customs, and shall be delivered to the officer of customs who is on board of the vessel on which such goods are to be shipped, if any such officer be on board. If no such officer be on board, every such boat-note shall be delivered to the master or commander of the vessel, or to an officer of the vessel appointed by such master or commander to receive it. If any person so receiving any such boat-note shall fail to deliver it when required so to do by any officer of customs authorized to make such requisition, such person shall be liable to a penalty not exceeding five hundred rupees.

Penalty for non-delivery of boat-note.

**S. CXXVI.** No vessel, whether laden, partially laden, or in ballast, shall depart from any port in British India until a port-clearance shall have been granted by the officer in charge of the custom house or other officer duly authorized to grant the same. Every application for port-clearance shall be made by the master or commander at least twenty-four hours before the intended departure of the vessel; and every master or commander of a vessel so applying for port-clearance shall answer to the proper officer of customs, such questions touching her departure and destination as shall be demanded of him. If any master or commander of a vessel shall attempt to depart without a port-clearance, such master or commander shall be liable to a penalty not exceeding

five hundred rupees. If any vessel shall actually depart without a port-clearance, the master or commander shall be liable to a penalty not exceeding one thousand rupees; and such penalty may be levied by the chief officer of customs of any port in British India to which such vessel shall proceed, or in which she shall be. A certificate of departure without port-clearance purporting to be signed by the chief officer of customs of the port from which any vessel is stated to have so departed, shall be sufficient *prima facie* proof of the fact so certified.

Penalties.

**S. CXXVII.** Except when duly appointed by the master attendant

No pilot, &c. to take charge of, &c. any vessel proceeding to sea without production of port-clearance

at any port, or by some other officer duly empowered in that behalf by the local Government, no pilot shall take charge of any vessel proceeding to sea unless the master or commander of such vessel shall pro-



duce a port-clearance. Every person convicted before a magistrate of an infraction of this rule, shall be liable to a penalty not exceeding one thousand rupees.

Penalty.

**S. CXXX.** If any goods liable to duty on importation, or taken from a warehouse to be exported, or entitled to drawback on exportation, which are enumerated in the manifest of any vessel, shall not be duly shipped before the departure of such vessel, or shall not be duly certified by the proper officer as short-shipped, such

goods shall be liable to confiscation. If any goods not enumerated in such manifest shall be taken on board of any such vessel, the master or commander shall be liable to a penalty not exceeding fifty rupees in respect of every package of such goods. If any goods duly shipped on board of any such vessel be landed at any place other than that for which they shall have been so cleared, the master or commander of such vessel shall, unless the circumstance be accounted for to the satisfaction of the officer in charge of the custom house, be liable to a penalty not exceeding three times the value of such goods so landed.

**S. CXXXIV.** If the master or commander of any vessel departing from any port in British India shall, when so required, fail to bring to at any station that shall have been appointed by the chief customs authority of any presidency or place under the last preceding section,

Penalties in case of vessels not bringing to at prescribed stations, and departing.

such master or commander shall, in every such case, be liable to a penalty not exceeding one thousand rupees. If any vessel shall actually depart after failing to bring to when required at any station appointed under the last preceding section, the penalty leviable under this section from the master or commander of such vessel may be levied by the chief officer of customs of any port in British India to which such vessel shall proceed, or in which she shall be. A certificate of such failure to bring to when required, purporting to be signed by the chief officer of customs of the port from which the vessel is stated to have so departed, shall be sufficient *prima facie* proof of the fact so certified.

**S. CXXXVI.** In any case of the return of any vessel to port after port-clearance, it shall be lawful for the master or commander of such vessel, or for any owner or shipper of cargo therein, to enter such vessel and to land such cargo under the rules for the importation of goods. In every such case the export duty shall be refunded to, and the amount paid in drawback shall be re-claimed from

Re-land of goods from vessels returned to port after port-clearance. Penalty for deficiency.

such owner or shipper; and if any goods, on account of which drawback has been paid, be not found on board of any such vessel, the master or commander shall be liable to a penalty not exceeding the entire value thereof, unless the fact be accounted for to the satisfaction of the officer in charge of the custom house.

**S. CXLIII.** If any goods on the entry of which for re-export, drawback shall have been paid, shall not be duly exported

Drawback goods, if not exported or if re-landed, liable to confiscation, and parties concerned to penalty.

to a foreign port or place, or shall be unshipped or re-landed at any port in British India (not having been duly re-landed or discharged as short-shipped under the care of an officer of customs or under Section CXXXV or Section CXXXVI of this Act), such goods, together with any vessel used in so unshipping or re-landing them, shall be liable to confiscation; and the master or commander of the vessel from which such goods shall be so unshipped or re-landed, and any person by whom or by whose orders or means such goods shall be so unshipped or re-landed, or who shall aid or be concerned in such unshipping or re-landing, shall be liable to a penalty not exceeding three times the value of such goods, or not exceeding one thousand rupees.

**S. CLI.** The local Government, acting under the general instructions of the Government of India, may from time to time

Local Government may regulate carriage of goods coastwise.

determine, by rules to be published in the official gazette, on what conditions, and on what conditions only, goods may be carried coastwise, though not shipped at any port in British India to be so carried; also in what cases only goods may be shipped in a vessel to be carried coastwise before all goods brought in such vessel from a foreign port or place shall have been unladen. If, in contravention of any such rule so published, any goods shall be taken into or put out of any coasting vessel, or any coasting vessel shall touch at any foreign port or place, or deviate from her voyage, unless forced by unavoidable circumstances; or if the master or commander of any coasting vessel which shall have touched at a foreign port or place shall fail to declare the same in writing to the officer in charge of the custom house at the port in British India at which such vessel shall afterwards first arrive, the master or commander of such vessel shall be liable to a penalty not exceeding one thousand rupees, and shall further be liable to pay double duty upon all goods landed or shipped at such foreign port or place, in addition to the ordinary duty which shall in every case be levied on such goods.

Penalty for contravention.

**S. CLII.** Except with the written permission of the officer in charge of the custom house, no goods, with the exception of passengers' baggage, shall, on any Sunday, or on any holiday or day on which the shipping or landing of cargo is or shall be prohibited by the chief customs authority of the presidency or place, be unshipped from any vessel arriving coastwise, or be shipped, or water-borne to be shipped, for carriage coastwise, at any port in British India; nor except with such written permission, shall any goods be so unshipped, or shipped, or water-borne to be shipped on any day except between such hours as the chief customs authority shall from time to time appoint by notice in the official gazette; nor from any place in any such port except a wharf duly appointed for such purpose; nor without the presence or authority of the proper officer of customs.

Time and place for shipping of goods.  
Penalty for contravention.

Any person who shall cause or suffer any goods to be unshipped, shipped, or water-borne to be shipped, contrary to any of the provisions of this section, shall, in every such case, be liable to a penalty not exceeding five hundred rupees: and any goods so unauthoriously unshipped, shipped, or removed for shipment, shall be liable to confiscation.

**S. CLIII.** The master or commander of every coasting vessel shall keep, or cause to be kept, a cargo book in which shall be stated the name of the master or commander, the vessel, the port to which she belongs, and the port to which on each voyage she is bound. At every

Rules respecting cargo-book to be kept by masters of coasting vessels.

port of lading such master or commander shall enter, or cause to be entered, in such book, the name of such port, and an account of all goods there taken on board of such vessel, with a description of the packages, and the quantities and descriptions of the goods contained therein, or stowed loose, and the names of the respective shippers and consignees, in so far as such particulars are known to him. At every port of discharge of any such goods, such master or commander shall enter, or cause to be entered in such book, the respective days on which such goods or any of them are delivered out of such vessel. The respective time of departure from every port of lading, and of arrival at every port of discharge, shall, in like manner, be duly entered. Every such master or commander shall, on demand, produce his cargo-book for the inspection of any officer of customs, and such officer shall be at liberty to

Penalty for breach of rules.

make any note or remark therein; and if, upon examination, any package entered in the cargo-book as containing foreign goods, shall be found not to contain such goods, such package, with its contents, shall be liable to confis-

tion; or if any package shall be found to contain foreign goods not entered, or not entered as such, in such book, such goods shall be liable to confiscation. If any such master or commander shall fail correctly to keep such cargo-book or to produce the same on demand; or if at any time there be found on board of any such vessel any goods not entered in such book as laden, or any goods noted as delivered; or if any goods entered as laden and not noted as delivered be not on board, the master or commander of such vessel shall be liable to a penalty not exceeding five hundred rupees.

**S. CLIV.** Before any coasting vessel shall depart from the port of lading, an account, with a duplicate thereof in the form marked G appended to this Act, or in such other form as may from time to time be prescribed by the chief customs authority of the presidency or place, shall be filled in and signed by the master or commander and delivered to the officer in charge of the custom house. Such officer shall retain the duplicate, and return the original account dated and signed by him; and such account shall be the clearance of the vessel for the voyage, and the pass for the goods expressed therein.

Penalty in case of account being false.

If any such account be false, the master or commander shall be liable to a penalty not exceeding five hundred rupees.

**S. CLVII.** Within twenty-four hours after the arrival of any coasting vessel at the port of discharge, and before any goods are unladen therefrom, the pass, with the name of the place or wharf where the cargo is to be discharged, noted thereon, shall be delivered to an officer of the port, who shall note thereon the date of delivery. Any master or commander who shall fail so to deliver a pass within twenty-four hours after arrival, shall be liable to a penalty not exceeding two hundred rupees.

**S. CLIX.** If contrary to the provisions of this or any other Act relating to the customs, any goods shall be laden on board of any vessel in any port or place in British India and carried coastwise, or any goods which have been brought coastwise shall be unladen in any such port or place, or any goods shall be found on board of any coasting vessel without being entered in the clearance thereof, such goods shall be liable to confiscation, and the master or commander of such vessel shall, in every such case, be liable to a penalty not exceeding five hundred rupees.

Penalty for breach in respect of lading, carrying coast-wise, and unloading.

**S. CLX.** Any duly empowered officer of customs may go on board of any coasting vessel in any port or place in British India, and may at any period of a voyage search any such vessel and examine all goods on board, and all goods then lading or unlading, and may demand the production of any document which ought to be on board of any such vessel. The officer in charge of the custom house may further require that any such document belonging to any coasting vessel then in port shall be brought to him for inspection. If the master or commander of any such vessel shall refuse to bring any such document to the officer in charge of the custom house when so required, such master or commander shall be liable to a penalty not exceeding two hundred rupees.

**S. CLXXIII.** Every person who, without a special pass from an officer of excise at the place of exportation, re-lands or attempts to re-land any spirituous liquor shipped for exportation, shall, for every such offence, be liable to a penalty not exceeding five hundred rupees; and all such liquor, together with every cask or other article containing the same, and every boat, cart, or animal employed in conveying it, shall be liable to confiscation.

**S. CLXXIV.** No person shall act in any custom house as an agent for the transaction of any business relating to the entrance or clearance of any vessel, goods, or baggage, unless authorized so to do by the officer in charge of it. It shall be lawful for such officer to require any person so authorized, to give a bond with sufficient securities, in any sum not exceeding five thousand rupees, for the faithful behaviour of such person as regards the custom house regulations and officers. Every person who, not being so authorized, shall act as an agent, shall, for every such offence, be liable to a penalty not exceeding five hundred rupees.

Agents must be duly authorized and give bonds.

Penalty for acting without authority.

**S. CLXXV.** Every importer, exporter, owner, or consignee, and every agent of any such importer, exporter, owner, or consignee, who shall wilfully fail to comply with the provisions of the last preceding section, shall be liable to a penalty not exceeding two hundred rupees.

**S. CLXXVII.** Every importer, exporter, owner, or consignee, and every agent of any such importer, exporter, owner, or consignee, who shall wilfully fail to comply with the provisions of the last preceding section, shall be liable to a penalty not exceeding two hundred rupees.

**S. CXCH.** If any goods be put on board of any tug-steamers or pilot vessel from any sea-going vessel inward bound, or if any goods be put out of any tug-steamers or pilot vessel for the purpose of being put on board of any outward bound vessel, or if any goods on which drawback shall have been granted shall be put on

Penalty for commanders of tug-steamers, or pilot vessels, receiving or discharging any goods without due authority.

board of any tug-steamers or pilot vessel for the purpose of being re-landed without the authority of the officers of customs, such goods shall be liable to confiscation, and the master or commander of such tug-steamers or pilot vessel shall, in every such case, be liable to a penalty not exceeding one thousand rupees.

**S. CXCV.** Any person shipping or landing goods, or aiding in the shipment or landing of goods, or knowingly keeping or concealing, or knowingly permitting or procuring to be kept or concealed, any goods shipped or landed, or intended to be shipped or landed contrary to the provisions of this Act; and any person who shall be found to have been on board of any vessel liable to confiscation under Section XIII of this Act, while such vessel was within any bay, river, creek, or arm of the sea which had not then been declared to be, and was not then existing as a port for the landing or shipment of goods, shall be liable to a penalty not exceeding one thousand rupees.

**\* CCVIII.** It shall be lawful for the magistrate of a district or division of a district, on application by an officer in charge of a custom house, stating his belief that dutiable or prohibited goods are secreted in any place in such district or division, to issue a warrant to search for such goods. Such warrant shall be executed in the same way, and shall have the same effect, as a search warrant issued under the Code of Criminal Procedure.

**S. CCIX.** Any officer of customs duly employed in the prevention of smuggling, may search any person on board of any vessel or boat in any port in British India, or any person who shall have landed from any vessel or boat, provided that such officer shall have reasonable ground to suppose that such person has dutiable or prohibited goods secreted about his person.

If any person on board of any such vessel or boat, or who may have landed from any such vessel or boat, shall, upon being asked by any such officer whether he has dutiable or prohibited goods about his person or in his possession, affirm that he has not, and if any such goods shall, after such denial, be discovered to be or to have been upon the person or in the possession of such person, such goods shall be liable to confiscation, and such person shall be liable to a penalty not exceeding three times the value of such goods.

\* Section 209 provides that in cases cognizable under Section 208 by an officer in charge of a custom house, the local Government may empower any officer of customs in like manner to adjudge any confiscated penalty or increased rates of duty within certain limits.

**S. CCXI.** If any officer of customs shall require any person to be searched for dutiable or prohibited goods, without having reasonable grounds to believe that he has such goods about his person, such officer shall be liable to a penalty not exceeding one hundred rupees.

**S. CCXII.** If any officer of customs, or other person duly employed for the prevention of smuggling, shall be guilty of a wilful breach of the provisions of this or any other Act relating to the customs, such officer or person shall, on conviction before a magistrate, be liable to simple imprisonment for any term not exceeding two years, or to fine, or to both.

**S. CCXIII.** If any officer of customs, or other person duly employed for the prevention of smuggling, shall practise or attempt to practise any fraud for the purpose of injuring the customs revenue, or shall abet or connive at any such fraud or any attempt to practise any such fraud, such officer or other person shall, on conviction before a magistrate, be liable to imprisonment of either description for any term not exceeding two years, or to fine, or to both.

**S. CCXV.** Whoever intentionally obstructs any officer of customs, or other person duly employed for the prevention of smuggling, in the exercise of any powers given under this Act to such officer or person, shall, on conviction before a magistrate, be liable to imprisonment of either description for any term not exceeding six months, or to a fine not exceeding one thousand rupees, or to both.

**S. CCXVI.** If any person shall knowingly make or sign any declaration or document used in the transaction of any business relating to the customs, such declaration or document being false in any particular; or if any person shall counterfeit, falsify, or fraudulently alter or destroy any such document, or any seal, signature, initials, or other mark made or impressed by any officer of customs in the transaction of any business relating to the customs; or if any person required under this or any other Act relating to the customs to answer any question put to him by an officer of customs shall not truly answer such question, such person shall, on conviction of any such offence before a magistrate, be liable to a penalty not exceeding one thousand rupees.

**S. CCXVII.** Any person subscribing or attesting any declaration of the value of any goods, upon an application to pass such goods through the custom house, shall, if he be not the importer, owner, or consignee of such goods, or have not proper and sufficient authority from the importer, owner or consignee, be liable, in every such case, to a penalty not exceeding one thousand rupees.

**\* CCXX.** In any case adjudicated by an officer of customs, any party aggrieved by the award may appeal to the chief customs authority of the presidency or place, or to any superior officer of customs empowered in that behalf by the local Government. It shall thereupon be lawful for such authority or superior officer to make such further enquiry, and to pass such order as he shall think proper, confirming, altering, or annulling the original award. Provided that no such order in appeal shall have the effect of subjecting any person to any greater confiscation, penalty, or rates of duty than shall have been adjudged against him in the original award.

**+ CCXXIII.** If, upon consideration of the circumstances under which any penalty or confiscation has been adjudged under this Act by an officer of customs or by a magistrate, the chief customs authority of the presidency or place shall be of opinion that such penalty or confiscation ought to be remitted in whole or in part, or commuted, such chief customs authority may remit the same or any portion thereof, or may commute any order of confiscation to a penalty not exceeding the value of the goods ordered to be confiscated.

**† CCXXIV.** When a penalty is adjudged against any person under this Act by any officer of customs, it shall be lawful for such officer, if the penalty be not paid, to levy the same by sale of any goods of the said person which may be in his charge, or in the charge of any other officer of customs.

\* Section 220 provides that an appeal shall lie from the award of an officer of customs to the chief customs authority.

† Section 223 provides that the chief customs authority may remit or commute any penalty adjudged by an officer of customs or by a magistrate.

‡ Section 224 provides that when a penalty is adjudged by an officer of customs, the penalty, if not paid, may be levied by sale of any goods in his charge; and should he fail to realise such penalty, a notification to that effect is to be sent to the magistrate, who will proceed to enforce payment thereof as if the penalty had been adjudged by himself.



When an officer of customs who has adjudged a penalty against any person under this Act, shall fail to realize the unpaid amount of such penalty from the goods of such person, it shall be lawful for such officer to notify in writing to any magistrate within whose jurisdiction such person or any goods belonging to such person shall be, the name and residence of the said person and the amount of penalty unrecovered; and such magistrate shall thereupon proceed to enforce payment of the said amount in like manner as if the penalty had been adjudged by himself.

Periods of imprisonment in default of payment of penalty or fine to be fixed within certain limits.

\* CCXXV. When a penalty or fine is adjudged against any person under this Act by a magistrate, such magistrate shall at the same time fix, within the following limits, a period of imprisonment in default of payment of such penalty or fine :—

If the penalty or fine do not exceed fifty rupees, the term of imprisonment to be fixed in default of payment shall not exceed one month.

If the penalty or fine do not exceed one hundred rupees, the term of imprisonment to be fixed in default of payment shall not exceed two months.

If the penalty or fine do not exceed five hundred rupees, the term of imprisonment to be fixed in default of payment shall not exceed four months.

When the penalty or fine exceeds five hundred rupees, the term of imprisonment to be fixed in default of payment may extend to six months.

It shall be lawful for the magistrate at any time to enforce payment of any penalty or fine, or of any portion thereof, by distress and sale of the goods of the defaulter.

### ELEPHANTS' Act I of 1873.

*To prevent the indiscriminate destruction of wild elephants.*

† I. This Act extends to the territories for the time being subject to the Government of the Presidency of Fort St. George; and it shall come into force on the first day of October 1873.

\* Section 225 prescribes the periods of imprisonment to which the offender shall be liable in default of payment of penalty adjudged by a magistrate.

† This Act extends to the territories for the time being subject to the Government of the Presidency of Fort Saint George. (Vide Section 1.)

S. III. Whoever shoots at, or intentionally destroys, or abets within the meaning of the Indian Penal Code, the shooting at, or destruction of any wild female elephant upon waste or forest land, whether such land be the property of Government or otherwise, shall be liable to a penalty not exceeding five hundred rupees, and in default of payment, to simple or rigorous imprisonment for a period not exceeding three months.

Any person convicted under this Act of an offence committed after his previous conviction under this Act, shall be liable to a penalty not exceeding one thousand rupees, and in default of payment, to simple or rigorous imprisonment for a period not exceeding six months.

### EMIGRATION Act V of 1866 (Madras)

*To regulate the manner of engaging and contracting with the Native inhabitants within any of the districts subject to the Government of Fort St. George, for labor to be performed in any part of India beyond the territorial limits of the Presidency of Madras.*

S. XII. If any laborer shall, without good and sufficient cause, refuse or neglect to proceed to the place at which the contract is to be performed, it shall not be lawful to compel him to proceed to, or detain him at any place against his will; but nothing in this section shall be taken to diminish or affect in any way the legal liabilities, civil or criminal, of such laborer, incurred by him by reason or in respect of his refusal or neglect aforesaid. Every case in which a laborer is charged before a magistrate of the town of Madras with refusing or neglecting to proceed as aforesaid, shall be heard and determined by such magistrate in a summary manner; and every such laborer shall, on conviction, be punished in the manner provided in Section 492 of the Indian Penal Code for the punishment of offences under that section.

S. XIV. Whenever laborers hired under this Act are about to embark on board of any vessel, it shall be the duty of the protector of laborers who may be stationed at the port of embarkation, to satisfy himself that the vessel has sufficient accommodation for the number of laborers who are about to be embarked, and that reasonable

Duty of protector of laborers prior to embarkation of laborers.

provision has been made for their maintenance and comfort on the voyage, and thereupon he shall sign a written authority to the master of the vessel to proceed upon such voyage, with the number of laborers specified therein.

Penalty for embark-  
ing without  
authority, and for  
receiving passengers  
or cargo tending to  
incommode the la-  
borers on board.

Any contractor or recruiter of laborers hired under this Act, and any master of any vessel who shall receive any such laborers until such written authority has been obtained, or in excess of such authority, or who shall afterwards receive on board such passengers or cargo as shall unreasonably diminish the space necessary for the comfort or accommodation of such laborers, shall be liable to a fine not exceeding 500 rupees.

S. XVI. Whosoever shall, except under and in conformity with the provisions of this Act, make any contract with any native inhabitant of India for labor to be performed in any place in India beyond the territorial limits of the presidency of Madras, shall be deemed to have committed the offence specified in Section 363 of the Indian Penal Code; and whoever shall aid in or abet the making of any such contract, shall be deemed to have abetted the commission of that offence.

Penalty for making  
unlawful contract for  
labor.

within any district subject to the Government of Port Saint George, enter into any contract with a native inhabitant of India for labor to be performed in any place in India beyond the territorial limits of the presidency of Madras, shall be liable to a fine not exceeding five hundred rupees.

S. XVII. Whoever, not being a contractor or recruiter licensed under this Act, shall act or be employed as a contractor or recruiter of laborers, or shall, contrary to the provisions of this Act, within the town of Madras or within any district subject to the Government of Port Saint George, enter into any contract with a native inhabitant of India for labor to be performed in any place in India beyond the territorial limits of the presidency of Madras, shall be liable to a fine not exceeding five hundred rupees.

S. XVIII. Whoever being a licensed contractor or recruiter under this Act, shall remove any laborer whom he may engage in the town of Madras or in any district or place, from such town, district or place, without such laborer having appeared with the contractor or recruiter before the protector of laborers in order that such person might be examined and registered; and whoever shall, by means of intoxication, violence, fraud, or false pretences, induce any native inhabitant of India to enter into any contract within the town of Madras, or any district subject to the Government of Port Saint George, for labor to be performed in any place in India beyond the territorial limits of the presidency of Madras, or to proceed to any such

Penalty for con-  
tractor or recruiter  
failing to take the  
laborers he has en-  
gaged before the pro-  
tector of laborers.

For inducing labor-  
er to contract by  
fraud, &c.

place without having entered into any contract, shall be liable to a fine not exceeding five hundred rupees.

S. XIX. Whoever, being a duly licensed contractor or recruiter, shall forward or send any laborer from the town of Madras, or from any district in which he has entered into any engagement, without such laborer having been duly registered in accordance with Section 10 of this Act; and whoever, being a duly licensed contractor or recruiter, shall induce or knowingly permit any such laborer to leave the town of Madras, or any district in which he has entered into any engagement, without the laborer being duly registered as aforesaid, shall be liable to a fine not exceeding five hundred rupees.

Penalty for forward-  
ing laborers, or allow-  
ing them to go, with-  
out being duly regis-  
tered.

\* XX. All prosecutions under this Act shall be instituted on information laid at the instance of the protector of laborers, before a magistrate of police, or before a magistrate of the district, according as they shall be instituted for offences committed within, or for offences committed beyond, the limits of the town of Madras. All fines imposed under the authority of this Act may, in case of non-payment thereof, be levied by distress and sale of the goods and chattels of the offender by warrant of the officer imposing the fine. When a warrant of distress is issued, the said officer may order the offender to be detained and kept in safe custody until return can be conveniently made to such warrant, unless the offender enter into a recognizance, with or without sureties, conditioned for his appearance before such officer on the day appointed for such return, such day not being more than eight days from the time of taking such recognizance; but if, before issuing such warrant of distress, it shall appear to the officer imposing the fine, by the admission of the offender or otherwise, that no sufficient distress can be had within the jurisdiction of such officer whereon to levy such fine or penalty, he may, if he think fit, refrain from issuing such warrant of distress; and in such case, or if such warrant shall have been issued and upon the return thereof such insufficiency as aforesaid shall be made to appear to the officer imposing the fine, he shall, by warrant, commit the offender to jail, there to be imprisoned, with or without hard labor, for any term not exceeding two months where the amount of the fine shall not exceed fifty rupees, and for any term not exceeding four months where the amount shall not exceed one hundred rupees, or for any term not exceeding six months in

Prosecutions under  
this Act where and  
how to be instituted.

Levy of fines.

\* NOTE.—Section 20 prescribes the procedure for enforcing payment of fines imposed, and the periods of imprisonment to which the offender shall be liable upon non-payment and non-recovery of fine.

any other case; the commitment to be determinable, in each of the cases aforesaid, or payment of the amount. The fine or any part thereof which remains unpaid, may be levied at any time within six years after the passing of the order imposing it; and the death of the offender does not discharge from the liability any property which would after his death be legally liable for his debts.

## EMIGRATION Act VII of 1871.

*To consolidate the laws relating to the Emigration of Native Labourers.*

**S. XLV.** If any emigrant, without sufficient cause, refuses or neglects to embark when called upon by the emigration agent so to do, it shall not be lawful to compel such emigrant to embark or to put him on boardship against his will, or to detain him against his will at the depot or elsewhere; but nothing in this section shall diminish or affect the civil or criminal liabilities which such emigrant incurs by reason or in respect of his refusal or neglect aforesaid.

Every case in which an emigrant is charged before a magistrate of police in a presidency town with refusing or neglecting to embark without sufficient cause, shall be heard and determined by such magistrate in a summary manner; and every such labourer shall, on conviction, be punished in the manner provided in Section 492 of the Indian Penal Code for the punishment of offences under that section.

**S. LXXI.** Whoever, except under and in conformity with the provisions of this Act, makes any contract with any native of India for labour to be performed in any place beyond British India to which emigration is not authorized under this Act, shall be deemed to have committed the offence specified in Section 363 of the Indian Penal Code;

And whoever knowingly enables or assists any native of India to emigrate to any such place, or aids in or abets the emigration of any native of India to any such place, shall be deemed to have abetted the commission of that offence.

**S. LXXII.** Whoever, not being a recruiter duly licensed under this Act, acts or is employed as a recruiter of labourers, or contrary to the provisions of this Act enters into any contract with a native of India for labour to be performed by such native in any place beyond British India, shall be liable to a fine not exceeding five hundred rupees.

**S. LXXIII.** Whoever, being a duly licensed recruiter, removes any emigrant whom he may engage in any district or place other than the town of Calcutta, Madras or Bombay, from such district or place, without such emigrant having appeared along with the recruiter before a magistrate in order that the emigrant might be examined and registered;

and whoever removes any emigrant whom he may engage in any one of the towns of Calcutta, Madras or Bombay, from such town, or to an emigration depot, without such emigrant having appeared with the recruiter before the protector of emigrants in order that the emigrant might be examined and registered;

and whoever, by means of intoxication, violence, fraud, or false pretences, induces any native of India to enter into a contract for labour to be performed by him in any place to which emigration is lawful under this Act, or to proceed to any such place without having entered into any contract;

and whoever fails to supply any emigrant whom he has engaged and who is registered, with suitable food, or otherwise ill-treats such emigrant on his journey to the depot;

and whoever forwards, sends or conveys any such emigrant otherwise than is provided in Section 32, or to any house or place in or near the towns of Calcutta, Madras or Bombay respectively, other than the depot for the emigrants for the place at which such emigrant has contracted to labour,

shall be liable to a fine not exceeding five hundred rupees.

**S. LXXIV.** Whoever, being a duly licensed recruiter, forwards or sends any emigrant from the district or town in which he has entered into an engagement, to any emigration depot, without such emigrant having been duly registered in accordance with the provisions of Sections 27 and 29;

and whoever, being a duly licensed recruiter, induces or attempts to induce any such emigrant to leave such district or town, or to proceed to any emigration depot, for the purpose of emigrating to any place, without the emigrant being duly registered as aforesaid,

shall be liable to a fine not exceeding five hundred rupees.

**S. LXXV.** Whoever, without lawful authority, issues any written order to the police to assist himself or any other person to prevent labourers to proceed to any place beyond British India, or falsely represents that such labourers are required by the Government or are to be engaged on behalf

of Government, shall be liable to a fine not exceeding five hundred rupees.

**S. LXXVI.** The master of any vessel which has not been licensed as provided in Section 40, knowingly receiving any emigrant on board in order to convey such emigrant to any place contrary to the provisions of this Act, shall be liable to imprisonment for a period not exceeding one year, and also to a fine not exceeding one thousand rupees for every such emigrant received on board, and the vessel shall be liable to be forfeited.

**S. LXXVII.** If the master of any vessel at the port of Calcutta, the port of Madras, or the port of Bombay, clears such vessel for any place to which emigration is lawful under this Act, and takes on board any emigrant without having fully complied with every particular required in Sections 41 and 42, he shall be liable to a fine not exceeding two hundred rupees for every emigrant so taken on board.

**S. LXXVIII.** If the master of any vessel, after having cleared such vessel for any place to which emigration is lawful under this Act, takes on board any emigrant without such emigrant having been duly entered in the lists mentioned in Sections 49 and 50, and in the manner in those sections prescribed, he shall be liable to a fine not exceeding two hundred rupees for every emigrant so taken on board.

**S. LXXIX.** If after having obtained a certificate in accordance with the provisions of Section 40, the master of any vessel cleared for any place to which emigration is lawful under this Act, fraudulently does, or suffers to be done, any act or thing whereby such certificate becomes inapplicable to the altered state of the vessel or other matter to which such certificate relates, he shall be liable to a fine not exceeding five thousand rupees,

and he may also be sued on any bond which he may have executed in consideration of any license obtained for the vessel as originally described.

**S. LXXX.** If the master of a vessel sailing from the port of Calcutta, licensed under Section 40 and sailing with emigrants on board, without reasonable excuse causes or allows his vessel to proceed from Garden Reach to sea, or to proceed any part of the distance between Garden Reach and sea, without his vessel being under tow of a competent steamer,

or if such vessel has not left Garden Reach and proceeded on her voyage within the time prescribed in Section 52,

the master of such vessel shall be liable to a fine not exceeding one thousand rupees.

**\* LXXXII.** All prosecutions under this Act shall be instituted on information laid at the instance of an emigration agent, or of a protector of emigrants, or of an officer appointed for the purpose by the local Government, before a magistrate of police, or before a magistrate, according as they shall be instituted for offences committed within or for offences committed beyond the limits of the towns of Calcutta, Madras and Bombay.

All fines imposed under this Act may be recovered, if for offences committed outside the limits of the said towns, in the manner prescribed by the Code of Criminal Procedure, and if for offences committed within those limits, in the manner prescribed by any Act regulating the police of such towns in force for the time being.

## EVIDENCE Act I of 1872.

*The Indian Evidence Act, 1872.*

**S. CLXII.** A witness summoned to produce a document shall, if it is in his possession or power, bring it to court, notwithstanding any objection which there may be to its production or to its admissibility. The validity of any such objection shall be decided on by the court.

The court, if it sees fit, may inspect the document, unless it refers to matters of state, or take other evidence to enable it to determine on its admissibility.

If for such a purpose it is necessary to cause any document to be translated, the court may, if it thinks fit, direct the translator to keep the contents secret, unless the document is to be given in evidence: and if the interpreter disobeys such direction, he shall be held to have committed an offence under section one hundred and sixty-six of the Indian Penal Code.

\* Section 82 prescribes the procedure for the recovery of fines imposed under this Act.



**EXCISE Act XVI of 1863.**

*To make special provision, for the levy of the Excise duty payable on Spirits used exclusively in Arts and Manufactures, or in Chemistry.*

**S. III.** Every person who shall wilfully contravene any rule prescribed by the Board of Revenue, or other authority as aforesaid, under the last preceding section of this Act, shall be liable, on conviction before any officer exercising the powers of a magistrate, to a penalty not exceeding five hundred rupees for every such offence.

**S. IV.** Every person who shall attempt, or shall connive at an attempt to render fit for human consumption spirits removed from a distillery under the provisions of this Act, shall be liable to a penalty not exceeding one thousand rupees; and the possessor of such spirits on which such attempt has been made, on which may have been rendered fit for human consumption, shall be liable, on conviction before any officer exercising the powers of a magistrate, to a penalty not exceeding five hundred rupees.

**\* V.** Any penalty imposed under either of the last two preceding sections may, in case of non-payment, be levied by distress and sale of the goods and chattels of the offender by warrant under the hand of the officer by whom such penalty was imposed.

**\* VI.** In case any such penalty shall not be forthwith paid, any such officer may order the offender to be apprehended and detained in safe custody until the return can be conveniently made to such warrant of distress, unless the offender shall give security to the satisfaction of such officer for his appearance at such place and time as shall be appointed for the return of the warrant of distress.

**\* VII.** If upon the return of such warrant it shall appear that no sufficient distress can be had whereon to levy such penalty, and the same shall not be forthwith paid, or in case it shall appear to the satisfaction of such officer by the confession of the offender or otherwise, that he has not sufficient good and chattels whereupon such penalty could be levied if a warrant of distress were issued, any such officer may, by warrant

Penalty for breach of such rule.

Penalty for attempting to render fit for human consumption, spirits removed under this Act.

Such penalty how to be levied.

In case of non-payment of penalty, offender may be detained pending return to distress warrant.

Imprisonment of offender in case of failure to recover penalty by distress.

\* Sections 5 and 6 prescribe the procedure for enforcing payment of penalties under this Act, and Section 7 prescribes the periods of imprisonment to which the offender shall be liable in case of non-payment and non-recovery of fine.

under his hand commit the offender to the civil jail, there to be imprisoned, according to the discretion of such officer, for any term not exceeding two calendar months when the amount of penalty shall not exceed fifty rupees, and for any term not exceeding four calendar months when the amount shall not exceed one hundred rupees, and for any term not exceeding six calendar months in any other case, the commitment to be determinable in each of the cases aforesaid on payment of the amount.

**FOREIGNERS' Act III of 1864.**

*To give the Government certain powers with respect to Foreigners.*

**S. XXI.** If the master or commander of a vessel shall wilfully give a false answer to any question which by Section 20 of this Act he is bound to answer, or shall make any false report, he shall be held to have committed the offence specified in Section 177 of the Indian Penal Code.

**S. XXII.** If the master or commander of any vessel shall wilfully neglect or refuse to comply with the requisitions of this Act, he shall, on conviction before the magistrate of the district or a justice of the peace, be liable to a fine not exceeding two thousand rupees.

**S. XXIII.** Whoever intentionally obstructs any officer in the exercise of any of the powers vested in him by this Act, shall be held to have committed the offence specified in Section 185 of the Indian Penal Code.

**\* XXIV.** All fines imposed under this Act may, according as they shall have been imposed for offences committed within or for offences committed beyond the limits of the towns of Calcutta, Madras and Bombay, be recovered by a magistrate of police or by the magistrate of the district in the manner prescribed in Section 23 of Act XLVIII of 1860 (to amend Act XIII of 1856 for regulating the Police of the towns of Calcutta, Madras and Bombay, and the several Stations of the Settlement of Prince of Wales' Island, Singapore, and Malacca.)

**INFANTICIDE Act VIII of 1870.**

*For the Prevention of the Murder of Female Infants.*

**S. IV.** Whoever disobeys any such rule shall, on conviction before any officer exercising the powers of a magistrate, be punished with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

\* Section 24 prescribes the procedure for recovery of fines imposed under this Act.

Penalty for false answer or report.

Penalty for neglect by master of vessel to comply with requisition of Act.

Penalty for obstructing officers.

Fines imposed under this Act how to be recovered.

Punishment for breach of rules.

**S. VI.** If it appears to the magistrate of the district that any person to whom the notification mentioned in Section I applies, neglects to make proper provision for the maintenance of any female child for whose maintenance he is legally responsible, and that the life or health of such child is thereby endangered, such magistrate may, in his discretion, place the child under such supervision as he may think proper, and shall, if necessary, remove the child from the custody of such person.

The magistrate of the district may order him to make a monthly allowance for the maintenance of the child at such monthly rate not exceeding fifty rupees, as to such magistrate shall seem reasonable; and if such person wilfully neglects to comply with such order, such magistrate may, for every breach of the order, by warrant direct the amount due to be levied in manner provided by Section 61 of the Code of Criminal Procedure.

Nothing in this section shall affect the powers of magistrates under Section 316 of the same code.

**\* VII.** This Act shall, in the first instance, extend only to the North-Western Provinces, to the Punjab, and to Oudh; but the Governor General of India in Council may by order extend it to any part of the territories (other than Oudh) under the immediate administration of the Government of India; and the Governor of Madras in Council, the Governor of Bombay in Council, and the Lieutenant Governor of Bengal, may severally by order extend it to any part of the territories under their respective governments.

Every order under this section made by the Governor General of India in Council shall be published in the *Gazette of India*. Every other order made under this section shall be published in the local official gazette.

### IRRIGATION WORKS' Act I of 1858.

*To make lawful compulsory labor for the prevention of mischief by inundation, and to provide for the enforcement of customary labor on certain Works of Irrigation in the Presidency of Fort St. George.*

**S. II.** Any male person of the laboring classes being duly called upon by the head of his village to labor as aforesaid, who shall refuse or neglect to comply with such call without any lawful excuse, shall, on conviction before a magistrate or an officer exercising the ordinary

\* This Act extends in the first instance only to the North-Western Provinces, Punjab and Oudh; but the Governor-General may extend it to any part of the territories (other than Oudh) under the immediate administration of the Government of India; and the Governor of Madras, the Governor of Bombay, and the Lieutenant-Governor of Bengal may severally extend it to any part of the territories under their respective Governments (Vide Section 7.) This Act has not yet been extended to the Madras Presidency.

Punishment for refusing or neglecting to comply with such call.

powers of a magistrate, be punished with a fine which may extend to one hundred rupees, or with simple imprisonment which may extend to one month, or with both.

### LAND ACQUISITION Act X of 1870.

*For the acquisition of land for public purposes and for Companies.*

**S. LII.** Whoever wilfully obstructs any person in doing any of the acts authorized by Section 4 or Section 8, or wilfully fills up, destroys, damages, or displaces any trench or mark made under Section 4, shall, on conviction before a magistrate, be liable to imprisonment for any term not exceeding on month, or to fine not exceeding fifty rupees, or to both.

Obstruction to survey, &c.

Filling trenches.

Destroying land-marks.

### LOCAL FUNDS' Act IV of 1871.

*To provide funds for expenditure on objects of local public utility and improvement, and to constitute Local Boards for the due administration of such funds.*

**S. XVII.** No member of the local fund board, or servant of the board, shall be interested directly or indirectly in any contract made with the board. And if any such person be so interested, he shall thereby become incapable of continuing in office or in employment, and shall be liable to a fine not exceeding five hundred rupees, which shall be paid into, and credited to the local fund. Provided always that no person, by being a shareholder in, or member of any incorporated or registered company, shall be disqualified from acting as a member of the local fund board, by reason of any contract entered into between such company and the board. Nevertheless, it shall not be lawful for such shareholder or member to act as a member of the board in any matter relating to any contract entered into between the board and such company.

**S. LXXIV.** Every person, other than persons appointed or duly authorized to collect the rates, taxes, or tolls under this Act, who shall levy or demand any rate, tax, or toll, and also every person who shall unlawfully and extortionately demand or take any other or higher rate, tax, or toll than the lawful rate, tax, or toll, or under color of this Act seize or sell any property, knowing such seizure and sale to be unlawful, or who, in cases where he shall be entitled to recover from any person any portion of the tax paid by himself under this Act, shall demand or claim any higher portion than he is entitled to recover, or who shall in any manner unlawfully extort money or any valuable thing from any person under color of

Illegal collection of rates, taxes, or tolls.

this Act, shall be deemed to have committed the offence of cheating, or extortion, as the case may be, and shall be liable to such punishment as is prescribed for those offences respectively by the Indian Penal Code.

\* LXXV. In case any fine, forfeiture, or penalty imposed under or by virtue of this Act shall not be forthwith paid, the offender may be detained in custody, or compelled to give security if fine, &c., be not forthwith paid.

the magistrate for his appearance at such place and time as shall be appointed for the return of the warrant of distress.

† LXXVI. If, upon the return of such warrant, it shall appear that no sufficient distress can be had whereon to levy such fine, and the same shall not be forthwith paid; or in case it shall appear to the satisfaction of the magistrate, by the confession of the offender or otherwise, that he has not sufficient property whereupon such fine or sum of money could be levied if a warrant of distress were issued, the magistrate may, by warrant under his hand, commit the offender, provided he is not a European British subject, to prison, there to be imprisoned according to the discretion of the magistrate, for any term not exceeding two calendar months when the amount of fine shall not exceed fifty rupees, and for any term not exceeding four calendar months when the amount shall not exceed one hundred rupees, and for any term not exceeding six calendar months in any other case, the commitment to be determinable in each of the cases aforesaid on payment of the amount.

### LUNATIC Act XXXV of 1858.

To make better provision for the care of the Estates of Lunatics not subject

\* To the Jurisdiction of the Supreme Courts of Judicature.

‡ XIX. The civil court may impose a fine not exceeding five hundred rupees on any manager of the estate of a lunatic who wilfully neglects or refuses to deliver his accounts or any property in his hands within the prescribed time, or a time fixed by the court, and may realize

\* Section 75 prescribes the procedure for recovery of fines imposed under this Act.  
† Section 76 prescribes the periods of imprisonment to which the offender shall be liable in case of non-payment and non-recovery of fine.

‡ Section 19 also provides that Civil Court may realize fine by attachment and sale of property under rules for execution of decrees of court.

such fine by attachment and sale of his property under the rules in force for the execution of decrees of court, and may also commit the respondent to close custody until he shall deliver such accounts or property.

### LUNATIC ASYLUMS' Act XXXVI of 1858.

Relating to Lunatic Asylums.

S. V. If it shall appear to the magistrate, on the report of a police officer or the information of any other person, that any person within the limits of his jurisdiction, deemed to be a lunatic, is not under proper care and control, or is cruelly treated or neglected by any relative or other person having the charge of him, the magistrate may send for the supposed lunatic, and summon such relative or other person as has or ought to have the charge of him; and if such relative or other person be legally bound to maintain the supposed lunatic, the magistrate may make an order for such lunatic being properly cared for and treated, and, if such relative or other person shall wilfully neglect to comply with the said order, may commit him to jail for a period not exceeding one month. If there be no person legally bound to maintain the supposed lunatic, or if the magistrate think fit so to do, he may proceed as prescribed in the last preceding section, and upon being satisfied in manner aforesaid that the person deemed to be a lunatic is a lunatic and proper person to be detained under care and treatment, may make an order for his reception into such asylum as aforesaid. It shall be the duty of every darogah or district police officer to report to the magistrate every such case of neglect or cruel treatment as aforesaid which may come to his knowledge.

In case of neglect or cruel treatment of a lunatic, magistrate may order relative, &c. to maintain him.

If no person bound to maintain him, magistrate may make an order for his reception into asylum.

Darogah to report neglect.

### MALABAR MOPLA OUTRAGES' Act XX of 1859.

For the suppression of Outrages in the District of Malabar in the Presidency of Fort St. George.

\* II. It shall be lawful for the Governor in Council of Fort St. George, whenever he shall see fit, by a proclamation published in the *Fort St. George Gazette*, from time to time to declare the whole or any part or parts of the district of Malabar to be subject to the operation of all or any of the following provisions.

\* Section 2 provides that the Governor may, by proclamation published in the *Gazette*, declare the whole or any part of the District of Malabar to be subject to the operation of all or any of the provisions of this Act.

### S. III. Any Mopla, who murders or attempts to murder any person, or who takes part in any outrage directed by Moplas against any person wherein murder is committed or is attempted to be committed, or is likely to be committed; and any person who shall procure or promote the commission of any such crime as aforesaid, or shall incite or encourage any other person or persons to commit the same; or who, after having committed, or having been accessory to any such crime as aforesaid, shall forcibly resist any person or persons having lawful authority to apprehend him; or who shall join or assist, or incite or encourage other persons to join or assist in such resistance; shall, on conviction thereof, be liable not only to the punishment provided by law for the offence of which he may be convicted, but also to the forfeiture of all his property, of whatever kind, to Government, by the sentence of the court by which he is tried; and whenever any person shall be killed in the act of committing any such offence as aforesaid, or being wounded and taken prisoner in the act of committing any such offence as aforesaid, shall afterwards die of his wounds, it shall be competent to the court which would have had cognizance of the offence if the offender could have been brought to trial, to proceed, on the application of the magistrate, to hold an inquest into the circumstances of the death of the offender; and on proof of his having been killed as aforesaid, or of his having died of wounds received as aforesaid, to adjudge that the whole of his property shall be forfeited to Government.

The property of Moplas convicted of outrages shall be forfeited.

Also the property of persons killed in committing outrages.

Penalty for remaining or returning within forbidden limits.

### S. VIII. If, with the previous consent of the Governor in Council, any person, against whom the Governor in Council, shall think fit to proceed under Section VI, shall undertake, in consideration of the suspension of such proceedings, to depart within a specified period from within the limits of the continent of India or of any part thereof, and shall, in breach of his said undertaking, and without the permission of the Governor in Council, remain or return within such limits, he shall be liable to be punished with imprisonment, with or without hard labor, for a period which may extend to seven years, or with fine, or both.

Levy of compensation or fine.

S. IX. Whenever any such outrage as is specified in Section III of this Act, the same being punishable under this Act, shall, after such proclamation as aforesaid, have been committed by any Mopla or Moplas, it shall be lawful for the magistrate, with the sanction of the Governor in Council, to levy such sum of money as the Governor in Council shall authorize, from all the Moplas within the umshum or the several umshums to which the

perpetrator or perpetrators, or any of such perpetrators of such outrages shall be found to belong, or wherein any such perpetrator shall have been resident at the time of the commission of the outrage, and also within the umshum in which the outrage shall have been committed; and the said magistrate shall assess the proportions in which the said sum shall be payable upon the several heads of families of Moplas within such umshum or umshums, according to his judgment of their respective means; and the said magistrate shall appropriate the sum so levied as follows, that is to say, in the first place, to the compensation of the parties aggrieved by such outrages, including therein compensation to the family of any person dying by any such outrage for the pecuniary loss occasioned or likely to be occasioned by such death; and, subject to such compensation, to the use of the Government.

### S. X. Whenever any such outrage as is specified in Section III, of this Act, the same being punishable under this Act shall have been committed by any Mopla or Moplas, it shall be lawful for the magistrate to call upon the Mopla inhabitants of the umshum or umshums to which the perpetrator or perpetrators, or any one of such perpetrators of such outrage shall be found to belong, or wherein any such perpetrator shall have been resident at the time of the commission of the outrage, or wherein any such perpetrator shall after the perpetration of any such outrage be found, to deliver up such perpetrator or perpetrators, and on the failure of such Mopla inhabitants to comply with such call so made upon them by the magistrate, it shall be lawful for the magistrate, with the sanction of the Governor in Council, to levy from such Mopla inhabitants, such sum of money as the Governor in Council shall authorize as prescribed in the last preceding section of this Act, and all sums so levied shall be appropriated in the manner prescribed in that section.

Penalty if Mopla inhabitants of umshum refuse to deliver up an offender.

Fines, &c. how to be levied.

\* XI. All fines and pecuniary liabilities incurred under this Act may be levied by a magistrate under summary process, in the same manner as the public revenue may be realized by a collector; and no action shall lie in any civil court against the magistrate in respect of any fine imposed or any assessment made under this Act, or in respect of the levy of any portion of such fine from the person or persons upon whom the same shall have been assessed.

\* Section 11 provides that all fines and pecuniary liabilities incurred under this Act may be levied by a magistrate under summary process, in the same manner as the public revenue may be realized by a collector.



\* XII. It shall be lawful for the Governor in Council, by such proclamation as aforesaid, from time to time to withdraw from the operation of the provisions of this Act any part or parts of the said district which he may previously have declared to be subject thereto; and in like manner, on occasion shall require, to subject the same part or parts again to the operation of such provisions, or of any of them.

### MALABAR OFFENSIVE WEAPONS' Act XXIV of 1854.

*To prohibit the possession of certain Offensive Weapons in Malabar.*

**S. II.** After such date, any person who shall be found in possession of an ayudha cutty, or war-knife, or of a similar offensive weapon, or who shall purchase, or sell, or manufacture, or cause to be manufactured, any ayudha cutty or war-knife, or similar weapon, shall be liable, on conviction before a magistrate, to a fine not exceeding fifty rupees, or to imprisonment, with or without hard labor, for a period not exceeding six months, or to both; and the said war-knife or weapon shall be confiscated.

*Fine for possessing, purchasing, selling, or manufacturing after certain date.*

### MARRIAGES Act XV of 1872.

*To consolidate and amend the law relating to the solemnisation in India of the Marriages of Christians.*

**S. LXVI.** Whoever, for the purpose of procuring any marriage, intentionally makes any false oath or signs any false notice or certificate required by this Act, shall be deemed guilty of the offence described in section one hundred and ninety-three of the Indian Penal Code.

**S. LXVII.** Whoever forbids the issue by a marriage registrar of a certificate by falsely representing himself to be a person whose consent to the marriage is required by law, knowing or believing such representation to be false, or not having reason to believe it to be true, shall be deemed guilty of the offence described in section two hundred and five of the Indian Penal Code.

\* Section 12 provides that it shall be lawful for the Governor to withdraw from the operation of this Act any part or parts of the District of Malabar which he may have previously declared to be subject thereto under Section 2.

**S. LXVIII.** Whoever, not being authorized under this Act to solemnize a marriage in the absence of a marriage registrar of the district in which such marriage is solemnized, knowingly solemnizes a marriage between persons one or both of whom is or are a Christian or Christians, shall be punished with imprisonment which may extend to ten years, or (in lieu of a sentence of imprisonment for seven years or upwards) with transportation for a term of not less than seven years and not exceeding ten years,

or, if the offender be an European or American, with penal servitude according to the provisions of Act No. XXIV. of 1855 (*to substitute penal servitude for the punishment of transportation in respect of European and American convicts, and to amend the law relating to the removal of such convicts*),

and shall also be liable to fine.

**S. LXIX.** Whoever knowingly and wilfully solemnizes a marriage between persons, one or both of whom is or are a Christian or Christians, at any time other than between the hours of six in the morning and seven in the evening, or in the absence of at least two credible witnesses other than the person solemnizing the marriage, shall be punished with imprisonment for a term which may extend to three years, and shall also be liable to fine.

This section does not apply to marriages solemnized under special licenses granted by the Anglican bishop of the diocese or by his commissary, nor to marriages performed between the hours of seven in the evening and six in the morning by a clergyman of the Church of Rome, when he has received the general or special license in that behalf mentioned in section ten.

**S. LXX.** Any minister of religion licensed to solemnize marriages under this Act, who, without a notice in writing, or when one of the parties to the marriage is a minor, and the required consent of the parents or guardians to such marriage has not been obtained, within fourteen days of the receipt by him of notice of such marriage, knowingly and wilfully solemnizes a marriage under Part III., shall be punished with imprisonment for a term which may extend to three years, and shall also be liable to fine.

*Issuing certificate, or marrying, without publication of notice;*

**S. LXXI.** A marriage registrar under this Act, who commits any of the following offences:—

(1) knowingly and wilfully issues any certificate for marriage, or solemnizes any marriage, without publishing the notice of such marriage as directed by this Act;

Marrying after expiry of certificate; issue by him of a certificate in respect of any marriage, solemnizes such marriage;

(3) solemnizes, without an order of a competent court authorizing him to do so, any marriage when one of the parties is a minor, before the expiration of fourteen days after the receipt of the notice of such marriage, or without sending, by the post or otherwise, a copy of such notice to the senior marriage registrar of the district, if there be more marriage registrars of the district than one, and if he himself be not the senior marriage registrar;

Issuing certificate against authorized prohibition. (4) issues any certificate, the issue of which has been prohibited as in this Act provided by any person authorized to prohibit the issue thereof,

shall be punished with imprisonment for a term which may extend to five years, and shall also be liable to fine.

Issuing certificate after expiry of notice, or, in case of minor, within fourteen days after notice, or against authorized prohibition.

or knowingly and wilfully issuing, without the order of a competent court authorizing him so to do, any certificate for marriage, where one of the parties intending marriage is a minor, before the expiration of fourteen days after the entry of such notice, or any certificate, the issue of which has been forbidden as aforesaid by any person authorized in this behalf,

shall be deemed to have committed an offence under section one hundred and sixty-six of the Indian Penal Code.

**S. LXXII.** Any marriage registrar knowingly and wilfully issuing any certificate for marriage after the expiration of three months after the notice has been entered by him as aforesaid,

Persons authorized to solemnize marriages (other than clergymen of the Churches of England, Scotland, or Rome.) and not being a clergyman of the Church of England, solemnizing a marriage after due publication of banns, or under a license from the Anglican Bishop of the Diocese or a Surrogate duly authorized in that behalf;

or, not being a clergyman of the Church of Scotland, solemnizing a marriage according to the rules, rites, ceremonies, and customs of that church;

or, not being a clergyman of the Church of Rome, solemnizing a marriage according to the rites, rules, ceremonies, and customs of that church,

knowingly and wilfully issues any certificate for marriage under this Act, or solemnizes any marriage between such persons as aforesaid, without publishing, or causing to be affixed, the notice of such marriage as directed in Part III. of this Act, or after the expiration of two months after the certificate has been issued by him;

Issuing certificate for, or solemnizing marriage with minor, within fourteen days after notice; or knowingly and wilfully issues any certificate for marriage, or solemnizes a marriage between such persons when one of the persons intending marriage is a minor, before the expiration of fourteen days after the receipt of notice of such marriage, or without sending by the post or otherwise, a copy of such notice to the marriage registrar, or, if there be more marriage registrars than one, to the senior marriage registrar of the district;

issuing certificate authorizedly forbidden; or knowingly and wilfully issues any certificate, the issue of which has been forbidden under this Act by any person authorized to forbid the issue;

solemnizing marriage authorizedly forbidden. or knowingly and wilfully solemnizes any marriage forbidden by any person authorized to forbid the same,

shall be punished with imprisonment for a term which may extend to four years, and shall also be liable to fine.

**S. LXXIV.** Whoever, not being licensed to grant a certificate of marriage under Part VI. of this Act, grants such certificate, intending thereby to make it appear that he is so licensed, shall be punished with imprisonment for a term which may extend to five years, and shall also be liable to fine.

**S. LXXV.** Whoever, by himself or another, wilfully destroys or injures any register book or the counterfoil certificates thereof, or any part thereof, or any authenticated extract therefrom,

or falsely makes or counterfeits any parts of such register book or counterfoil certificates, or wilfully inserts any false entry in any such register book or counterfoil certificate or authenticated extract,

shall be punished with imprisonment for a term which may extend to seven years, and shall also be liable to fine.

**MINORS' Act XXI of 1855.**

*For making better provision for the Education of male Minors, and the Marriage of Male and Female Minors subject to the superintendence of the Court of Wards in the Presidency of Fort Saint George.*

**S. IX.** Whoever knowingly aids or abets the marriage of any minor

Penalty for abetting marriage of ward without leave of collector.

whose property is under the superintendence of the Court of Wards, or the marriage of a younger brother or sister of such minor, without the leave of the collector of revenue acting under the Court of Wards to

such marriage first had and obtained, shall, on conviction before a court of session, upon the prosecution of such collector, be liable to fine not exceeding two thousand rupees, or to imprisonment not exceeding the term of six months, with or without hard labour.

**MUNICIPALITIES (Mofussil) Act III of 1871.**  
(Madras.)

*To make better provision for the Consecration and Improvement of Towns in the Presidency of Fort Saint George, &c. &c.*

**S. XXI.** No commissioner or servant of the commissioners shall be

Penalty on commissioners and others being interested in contracts.

interested, directly or indirectly, in any contract made with the commissioners. And if any such person be so interested, he shall thereby become incapable of

continuing in office or in employment, and shall be liable to a fine not exceeding five hundred rupees. Provided always that no person, by being a shareholder in, or member of any incorporated or registered company, shall be disqualified from acting as a commissioner by reason of any contract entered into between such company and the commissioners. Nevertheless, it shall not be lawful for such shareholder or member to act as a commissioner in any matter relating to any contract entered into between the commissioners and such company.

**S. LXVI.** On receiving the amount of the taxes as aforesaid, the com-

On payment of the tax, a licence to be given.

missioners, or some person duly authorized by them in that behalf, shall give to the person paying the same a licence for each of the vehicles and animals for the

period in respect of which the money is received. The owner of every carriage and animal aforesaid, who shall have received a licence for the same, shall, at all reasonable times, during the said period, be bound under a penalty in default thereof not exceeding five rupees, to produce such licence when called upon to do so by the commissioners or any person duly authorized in writing by them to demand its production.

**S. LXVII.** If the owner or person having the charge of any carriage

Penalty for keeping a carriage, &c., without having a licence.

or animal so kept as aforesaid, shall not have duly taken out a licence under the last preceding section, he shall, on conviction before a magistrate, be fined the full amount payable by him in respect of such carriage or animal, and such further sum not exceeding twenty rupees as the magistrate may direct; and the commissioners shall thereupon give him a licence for the vehicles and animals in respect of which he has been fined as aforesaid.

**S. LXVIII.** All carriages kept for the purpose of being let out for hire

Carriages kept for hire to bear a registration number.

by the day or trip, shall bear a registration number in such manner as the commissioners shall direct; and any owner of such carriage who shall fail to affix the registration number assigned to such carriage, shall be liable to a fine not exceeding ten rupees.

**S. LXIX.** The commissioners, at their discretion, may compound for

The commissioners may compound for carriages with livery stable-keepers and others.

any period not exceeding one year, with livery stable-keepers and other persons keeping carriages or animals aforesaid for hire, for a certain sum to be paid for all the carriages or animals so kept by such persons, in lieu of the taxes specified in Schedule C.

And, if any person, having so compounded, shall refuse to pay the sum compounded for, on the written demand of the commissioners, such person shall, on conviction before a magistrate, be liable to a fine not exceeding three times the amount so payable.

**S. LXXII.** It shall be lawful for the commissioners, or any persons

Power to enter premises.

authorized by them in writing for that purpose, at any time between sun-rise and sun-set, to enter and inspect any stable or coach-house, or any place wherein they may have reason to believe that there is any vehicle or animal liable to taxation under Section 64 of this Act, for which a licence has not been duly taken out; and the commissioners may summon any person whom they have reason to believe to be liable to the payment of any tax under the last mentioned section, or any servant of such person, and may examine such person or servant as to the number and description of the carriages, horses, or other animals, in respect of which such person is liable to be taxed. Whoever being so summoned shall, without lawful excuse, fail to

appear in pursuance of the summons, and whoever hinders or obstructs the commissioners, or any person authorized by them in writing as aforesaid, from or in entering or inspecting any such stable, coach-house, or place, shall be liable, on conviction before a magistrate, to a penalty not exceeding fifty rupees.

**S. LXXVI.** Whoever owns or keeps any cart, or other wheeled vehicle not on springs, required by this Act to be registered, without having caused the same to be registered under the last preceding section, or shall fail to affix thereto the registration number prescribed in Section 74, shall be liable, on conviction before a magistrate, to a fine not exceeding ten rupees; and the commissioners, or any officer duly authorized by them, may seize, or cause to be seized, any such cart, or other vehicle (provided the same be not employed at the time of seizure in the conveyance of any passengers or goods), together with the horses, bullocks, or other animals drawing the same, and may detain them; and all police officers are hereby required, on the application of the commissioners or other officers as aforesaid, to seize and detain the same. If the person owning or keeping such cart, or other vehicle, shall be convicted before a magistrate under this section, and ordered to pay a fine, and if the fine be not paid, or if the vehicle seized be not claimed within ten days, such vehicle, together with the animals seized with it (if any), may be sold by auction by order of the commissioners, and the proceeds applied to the payment of the fine and to the costs and charges incurred on account of the seizure, detention, and sale; and the surplus (if any), if not claimed by the owner or the person keeping such cart or other vehicle within a further period of sixty days, shall be credited to the Municipal Fund.

**S. LXXXIII.** Every person, other than persons appointed or duly authorized to collect the tolls under this Act, who shall levy or demand any toll, and also every person who shall unlawfully and extortionately demand or take any other or higher toll than the lawful toll, or, under color of this Act, seize or sell any property, knowing such seizure and sale to be unlawful, or in any manner unlawfully extort money or any valuable thing from any person under color of this Act, shall be deemed to have committed the offence of cheating, or extortion, as the case may be, and shall be liable to such punishment as is prescribed for those offences respectively by the Indian Penal Code.

**S. XCIV.** Any person whose duty it shall be to give information to a registrar under the two preceding sections, who shall refuse or neglect to give such information, shall be liable to a penalty not exceeding twenty rupees for each offence.

**S. C.** Whoever commits a nuisance, or deposits, or permits his servants to deposit any dust, dirt, dung, ashes, garden, kitchen or stable refuse, or filth of any kind, or any animal matter, or any broken glass or earthen-

Penalty for not registering a cart or other vehicle.

Illegal collection of tolls.

Penalties.

Depositing dirt in streets, &c.

ware, broken brick, mortar, or other rubbish, in any street, or on the pavement, pyal, or verandah of any house, or on any ground between the house and the street, or on any public quay, jetty, or landing place, or on any part of a river bank, whether above or below high-water mark, except in such places and in such manner and at such hours as shall be fixed by the commissioners, shall be liable to a penalty not exceeding ten rupees for each offence.

**S. CI.** Whoever allows any offensive matter from any privy or cess-pool to run, drain, or be thrown into a surface drain in any street, shall be liable to a penalty not exceeding ten rupees for each offence.

**S. CII.** The commissioners shall, from time to time, fix the hours within which it shall be lawful to remove night-soil or other such offensive matter, and the manner in which such night-soil or other offensive matter shall be removed. And after notification of the manner and time of such removal, any person who shall not conform to such notification shall be liable to a penalty not exceeding ten rupees for each offence.

**S. CIII.** Whoever, being the occupier of a house within the limits of any town, keeps or allows to be kept for more than twenty-four hours or otherwise than in some proper receptacle, any dirt, dung, night-soil, filth, or any noxious or offensive matter, in or upon the roof of such house, or in or upon the roof of any out-house, or in any yard, or ground attached to and occupied by the occupier of such house, shall be liable to a penalty not exceeding ten rupees for each offence.

**S. CIV.** Whoever, being the owner or occupier of any house, building, or land within any town, whether tenantable or otherwise, suffers the same to be in a filthy or unwholesome state, shall be liable to a penalty not exceeding ten rupees, and a further penalty not exceeding ten rupees for every day after conviction for such offence during which the offence is continued.

**S. CVI.** It shall also be lawful for the commissioners to grant to such persons, and for such period as they think fit, licences to keep privies for public accommodation, subject to such conditions as may be necessary for the preservation of public health and decency. Any such person holding such licence and failing to observe the conditions prescribed in such licence, shall be liable to a fine not exceeding fifty rupees. Provided that it shall be lawful for the commissioners, at any time, on giving one month's notice in writing, to cancel any licence granted under this section.

Licensed public necessaries.



**S. CVIL.** It shall be lawful for the commissioners to prescribe the form or construction of privy which the owner or occupier of any house or building within the limits of the town may have on his premises; and such owner or occupier shall have such privy shut out by a wall or fence from the view of persons passing by or residing in the neighbourhood; and any such owner or occupier having a privy constructed in a form different from that prescribed by the commissioners, or failing to shut it out from public view in the manner hereinbefore directed, shall be liable to a fine not exceeding ten rupees, and to a further fine not exceeding ten rupees a day, for each day of default or breach of the provisions of this section after written notice duly given by the commissioners to such owner or occupier.

**S. CXI.** If any such drain, privy, or cess-pool is constructed, after the passing of this Act, contrary to the directions and regulations of the commissioners, or contrary to the provisions of this Act, or if any person, without the consent of the commissioners, constructs, rebuilds, or unstops any drain, privy, or cess-pool, which has been ordered by them to be demolished or stopped up, or not to be made, every person so doing shall be liable to a penalty not exceeding fifty rupees. And the commissioners may cause such drain, privy, or cess-pool to be removed, or may cause such amendment or alteration to be made therein as they think fit; and the expense thereof shall be paid by the person by whom such drain, privy, or cess-pool was improperly constructed, rebuilt, or unstopped, and shall be recoverable as a debt due to the commissioners.

**S. CXII.** Whoever throws or puts, or permits his servants to throw or put any earth, dirt, or other filth, rubbish, or night-soil into any sewer not specially appropriated for such purpose by the commissioners, shall be liable to a penalty not exceeding ten rupees for each offence.

**S. CXVI.** Whoever, except as permitted by the commissioners, bathes in any public stream, channel, water-course, tank, reservoir, spring or well, or in any other manner fouls the water thereof, shall be liable to a fine not exceeding ten rupees for each offence.

**S. CXXIII.** No person shall slaughter any animal for sale within any town unless in a place specially licensed or provided for that purpose by the commissioners; and whoever slaughters any animal for sale within any town in any place not so licensed or provided, shall be liable to a penalty not exceeding rupees ten for each offence.

**S. CXXV.** After the passing of this Act, no new market shall be opened in any town without the license, in writing, of the commissioners; and every person who opens a new market without such license shall be liable to a penalty not exceeding rupees ten for each day that such new market is opened or used.

**S. CXXVII.** It shall be lawful for the commissioners, or for any person appointed by them for that purpose, at all reasonable times to enter into and inspect any market, building, shop, stall, or place used for the sale of any drink, or of butcher's meat, poultry, fish, vegetables, or other articles of food; and if it appears that any such drink, meat, poultry, fish, vegetables, or other article intended for the food of man is unfit for such food, to order the same to be destroyed, or to be so disposed of as to prevent its being exposed for sale or used for such food; and the owner thereof, or the person in whose possession the same is found, shall be liable to a penalty not exceeding fifty rupees.

**S. CXXIX.** Within such limits as may for the purposes of this section be fixed by the commissioners, no premises shall be newly used, except under license from the commissioners, for any of the following purposes; viz., for melting tallow, for boiling offal or blood, or as a soap-house, oil-boiling house, dyeing house, tannery, brick, pottery or lime-kiln, or other manufactory or place of business from which offensive or unwholesome smells arise, or as a yard or depot for hay, straw, wood, or coal; and whoever shall, without a licence, use any such premises for such purpose, shall be liable to a fine not exceeding fifty rupees, and a further fine not exceeding twenty rupees for every day after conviction for such offence during which the said offence is continued.

**S. CXXX.** Licenses shall be issued by the commissioners to all persons permitted to carry on the trades aforesaid under the preceding section, or who have carried on such trades previous to the coming into operation of this Act; and in these licenses shall be fully stated the conditions under which it shall be lawful to carry on such trades. And whoever, without such licence, carries on any such trade within the town, shall be liable to a penalty not exceeding fifty rupees, and to a further penalty not exceeding ten rupees for every day after conviction for such offence during which such trade is continued.

**S. CXXXIII.** No burial or burning ground, whether public or private, shall be made or formed after the passing of this Act, without licence in writing from the commissioners; and whoever shall bury or burn, or cause, permit, or suffer to be buried or burned any corpse in any burial or burning ground made or formed without such licence, shall be liable to a fine not exceeding fifty rupees.

No burial or burning place henceforth to be formed without leave of the commissioners.

**S. CXXXIV.** If, upon the evidence of competent persons, it shall appear to the commissioners that any burial or burning ground is in such a state or position as to be dangerous to the health of persons living in the neighbourhood thereof, and also that a suitable place for interment or burning, as the case may be, exists within a reasonable distance and is available, the commissioners may, by notification to be affixed on some conspicuous part of the ground, appoint a time, not being less than two months, for the closing of such burial or burning ground; and whoever, after the time so appointed, buries or burns, or causes or permits to be buried or burned, any corpse therein, shall be liable to a fine not exceeding fifty rupees.

Commissioners may order certain burial or burning grounds to be closed.

**S. CXXXVI.** No place shall be used as a cart-stand or public halting-place for vehicles or cattle of any description within any town, unless licensed as a cart-stand or public halting-place by the commissioners. Whoever uses or permits to be used, for any purpose aforesaid, any place within the town not so licensed, shall be liable to a penalty not exceeding fifty rupees, and to a further penalty not exceeding ten rupees for every day after conviction for such offence during which such use is continued.

Cart-stands & halting places for vehicles and cattle.

**S. CXXXVIII.** Whoever builds any wall or erects any fence or other obstruction or encroachment in any public street, or in or over any open drain or sewer along the side of any such street after this Act shall have come into operation in any town, shall be liable to a penalty not exceeding fifty rupees; and the commissioners shall have the power to remove any such obstruction or encroachment, and the expense of such removal shall be paid by the person who caused the same to be erected, and shall be recoverable as a debt due to the commissioners. Nothing herein contained shall prevent the commissioners from licensing any temporary erections in any public street on occasions of festivals and ceremonies.

Future obstructions in the streets.

**S. CXL.** Whoever takes up or makes any alterations in the pavement or other material, or in the fences or posts of any public street in the town, without the consent in writing of the commissioners, or without other lawful authority, shall be liable to a fine not exceeding fifty rupees.

Taking up or altering pavements, &c., without authority.

**S. CXLI.** Any person who wishes to make or lay out any new street, shall give notice in writing thereof to the commissioners, showing the intended level and width of such street; and the level and width of every such street shall be fixed or approved by the commissioners. Any one laying out any new street without the written permission of the commissioners, shall be liable to a fine not exceeding fifty rupees, and the expense of the removal of any building erected in such new street shall be paid by the offender and be recoverable as a debt due to the commissioners.

Private persons laying out new streets.

**\* CXLIII.** Whenever the commissioners are satisfied from inspection or by report of competent persons, that any existing block of buildings or huts in any town is, by reason of the manner in which the buildings or huts are crowded together, or want of drainage and the impracticability of scavenging attended with risk of disease to the inhabitants of the neighbourhood, they may, with the sanction of the Government, cause a notice to be fixed to some conspicuous part of such buildings or blocks of huts, requiring the owners or occupiers thereof, or, at the option of the commissioners, the owner of the land on which such buildings or huts are built, within a reasonable time to be fixed by the commissioners for that purpose, to execute such works as the commissioners, with such sanction as aforesaid, may deem necessary for avoidance of such risk. And in case such owners or occupiers, or the owner of the land, shall refuse or neglect to execute such works within the time appointed, the commissioners may cause the said buildings or huts to be taken down, or such works to be performed in respect of such buildings or huts as the commissioners may deem necessary to prevent such risk. If such buildings or huts be pulled down, the commissioners shall cause the materials of each building or hut to be sold separately, if such sale can be effected; and the proceeds shall be paid to the owner of the hut, or, if the owner be unknown or the title be disputed, shall be held in deposit by the commissioners.

\* Section 143 gives the commissioners power to make bye-laws subject to confirmation by the Governor in Council (Section 165), and to affix fines and penalties for infringement of such bye-laws, provided that no fine for infringement shall exceed Rs. 20, and in case of continuing infringement, no fine shall exceed Rs. 10 for every day after written notice from commissioners of such infringement.

Power as to existing huts.

sioners until the person interested therein shall obtain the order of a court of competent jurisdiction for the payment of the same. Provided that such proceeds, if unclaimed, shall, after the expiration of twelve months, be credited to the Municipal Fund. Provided also that the commissioners shall make reasonable compensation to all persons who shall suffer damage by any of the aforesaid works executed under the direction of the commissioners.

**S. CXLVI.** The commissioners shall, from time to time, cause to be

Names of streets.

put up or painted on a conspicuous part of some house, building, wall, or place, at or near the end or entrance of every street, the name by which such street is to be known; and whoever destroys or defaces such name, shall be liable to a penalty not exceeding ten rupees.

**S. CXLVII.** The commissioners may, from time to time, fix a number

Numbers on houses.

in a conspicuous place on the outer side of any house or building, or at the entrance of the enclosure thereof fronting the street; and whoever destroys, pulls down, or defaces any such number, shall be liable to a penalty not exceeding ten rupees.

**S. CXLVIII.** The external roofs, walls and verandahs of huts, or other

Roofs and external walls of huts not to be made of inflammable material.

buildings erected or renewed within the limits of any town after this Act shall have come into operation therein, shall not be made of grass, leaves, mats, or other inflammable materials, except by the permission, in writing, of the commissioners. Any person contravening this section shall be liable to a penalty not exceeding ten rupees for every such offence, and for every day that such offence is continued after conviction.

**S. CLII.** The licences issued under Sections 106, 123, 125, 130,

Penalty for failure to obtain renewal of licences issued under Sections 106, 123, 125, 130, 133, and 136.

133, and 136 shall be issued annually, and shall expire on the last day of the official year; and any person who, being bound to take out such licence, fails to obtain a renewal within one month after the expiration of such licence, shall be liable to the penalties specified in those sections.

**\* CLVIII.** In case any fine, forfeiture, or penalty imposed under or

Offender may be detained in custody or compelled to give security, if fine, &c., be not forthwith paid.

by virtue of this Act or of any bye-law made in pursuance thereof, shall not be forthwith paid, the magistrate may order the offender to be apprehended and detained in safe custody until the return can be conveniently made to the warrant of distress, unless the offender shall give security to the satisfaction of the magis-

\* Section 138 prescribes procedure for enforcing penalties imposed under this Act.

trate for his appearance at such place and time as shall be appointed for the return of the warrant of distress.

**\* CLIX.** If, upon the return of such warrant, it shall appear that no

If no sufficient distress can be had, or there be not sufficient property whereupon the fine, &c., can be levied, the offender, if not a European British subject, may be imprisoned.

sufficient distress can be had whereon to levy such fine, and the same shall not be forthwith paid, or in case it shall appear to the satisfaction of the magistrate by the confession of the offender or otherwise, that he has not sufficient property whereupon such fine or sum of money could be levied if a warrant of distress were issued, the magistrate may, by

warrant under his hand, commit the offender, provided he is not a European British subject, to prison, there to be imprisoned, according to the discretion of the magistrate, for any term not exceeding two calendar months when the amount of fine shall not exceed fifty rupees, and for any term not exceeding four calendar months when the amount not shall exceed one hundred rupees, and for any term not exceeding six calendar months in any other case; the commitment to be determinable in each of the cases aforesaid on payment of the amount.

**† CLXV.** No bye-law or alteration of a bye-law shall have effect until the same shall have been approved and confirmed by the Governor in Council, and shall have been published for such length of time and in such manner as the Governor in Council shall order.

**POLICE Act XXIV of 1859.**  
*For the better regulation of Police within the Territories subject to the Presidency of Fort St. George.*

(ACT 5 OF 1863, MADRAS.)

**† I.** All forfeitures or penalties imposed under the authority of Act XXIV of 1859 for offences punishable by a magis-

trate, may, in case of non-payment thereof, be levied by distress and sale of the property of the offender within the limits of jurisdiction of the magistrate of the district, by warrant under the hand of the magis-

trate who made the order.

\* Section 159 prescribes the periods of imprisonment to which the offender shall be liable in case of non-payment and non-recovery of penalty.

† See Note to Section 143.

‡ Sections 1 and 2, Madras Act V of 1865, prescribe the procedure for recovery of forfeitures and penalties imposed under Act XXIV of 1859.

\* II. In case any fine, forfeiture or penalty shall not be forthwith paid, the magistrate may order the offender to be apprehended and detained in safe custody until the return can be conveniently made to the warrant of distress, unless the offender shall give security to the satisfaction of the magistrate for his appearance at such place and time as shall be appointed for the return of the warrant of distress.

+ III. If upon the return of such warrant it shall appear that no sufficient distress can be had whereon to levy such fine, and the same shall not be forthwith paid, or in case it shall appear to the satisfaction of the magistrate, by the confession of the offender or otherwise, that he has not sufficient property whereupon such fine or sum of money could be levied if a warrant of distress were issued, the magistrate may by warrant under his hand, commit the offender, provided he is not a European British subject, to prison, there to be imprisoned, according to the discretion of the magistrate, for any term not exceeding two calendar months when the amount of fine shall not exceed fifty rupees, and for any term not exceeding four calendar months when the amount shall not exceed one hundred rupees, and for any term not exceeding six calendar months in any other case, the commitment to be determinable in each of the cases aforesaid on payment of the amount.

(ACT 24 OF 1859.)

S. XX. From and after the passing of this Act, every person, not being or having ceased to be a duly enrolled police officer, who shall unlawfully assume any function or power belonging to the police, and who shall not forthwith deliver up his certificate, and all the clothing, accoutrements, and appointments, and other necessities which may have been supplied to him for the execution of his duty; or who shall have in his possession any distinctive article of the dress or appointment directed to be worn exclusively by the police force, without being able to account satisfactorily for his possession thereof; or who shall put on the dress of any police officer, or any dress designed to represent it, or to be taken for it; or who shall otherwise personate the character or act the part of any police officer for any purpose whatever; shall, in addition to any other punishment to which he may be liable for any offence committed

\* See Note Section I.  
+ Section 3, Madras Act V of 1865, prescribes the periods of imprisonment to which the offender shall be liable in case of non-payment and non-recovery of forfeiture or penalty.

under the assumed character, be liable, on conviction before a magistrate, to a penalty not exceeding two hundred rupees, or to imprisonment, with or without hard labor, for a period not exceeding six months, or both.

S. XLIV. Every police officer who shall be guilty of any violation of duty or wilful breach of any lawful orders and regulations not punishable under Section X of this Act; or who shall cease to perform the duties of his office without leave, or without having given two months' notice as provided by this enactment, or engage without authority in any employment other than his police duty; or who shall maliciously and without probable cause prefer any false, vexatious, or frivolous charge or information against any individual; or who shall knowingly and wilfully and with evil intent exceed his powers; or shall be guilty of any wilful and culpable neglect of duty in not bringing any person, who shall be in his custody without a warrant, before a magistrate as hereinbefore provided; or who shall offer any unwarrantable personal violence to any person in his custody, shall be liable, on conviction before a magistrate, to a penalty not exceeding three months' pay, or to imprisonment, with or without hard labor, not exceeding three months, or both.

S. XLV. Any police officer who shall on any pretext, or under any circumstance, directly or indirectly collect or receive any fee, gratuity, diet-money, allowance, or recompense, other than he may be duly authorized by the inspector general or other officer acting under his orders to collect or receive, shall, on conviction before a magistrate, be liable to a penalty not exceeding six months' pay, or to imprisonment with or without hard labor not exceeding six months, or both.

S. XLVI. Any police officer who shall directly or indirectly extort, exact, seek, or obtain any bribe or unauthorized reward or consideration, by any illegal threat or pretence, or for doing or omitting or delaying to do any act which it may be his duty to do or to cause to be done, or for withholding or delaying any information which he is bound to afford or to communicate; or who shall attempt to commit any of the offences above said, or shall be guilty of cowardice, shall be liable, upon conviction before a magistrate, to a fine not exceeding twelve months' pay, or to imprisonment with or without hard labour not exceeding twelve months, or both. Provided always that nothing in the three last preceding sections shall be deemed to preclude the magistrate from committing for trial any cases of this nature too serious for his cognizance.



Whoever wilfully and without lawful excuse refuses or neglects to

Penalty for disobedience to conservator's orders.

obey any lawful direction of such conservator, after notice thereof has been given to him, shall, for every such offence, be punished with fine which may extend to one hundred rupees, and with a further fine which may extend to one hundred rupees for every day on which he wilfully continues to disobey such direction;

and, in case of such refusal or neglect, the said conservator may do,

Expenses caused thereby to be paid by offender.

or cause to be done, all acts necessary for the purpose of carrying such direction into execution, and may hire and employ proper persons for that purpose; and all reasonable expenses incurred in doing such acts shall be paid by the person so offending.

Any written notice of a direction given under this Act, left for the master of any vessel with any person employed on board thereof, or affixed on a conspicuous place on board of such vessel, shall, for the purposes of this Act, be deemed to have been given to the master thereof.

**S. XI.** The conservator may remove, or cause to be removed, any timber, or obstruction, raft, or other thing floating or

Power to remove floating timber, &c., or obstruction on shore within limits of port.

being in any part of any such port, which obstructs or impedes the free navigation thereof; or anything which obstructs or impedes the lawful use of any pier, jetty, landing-place, wharf, quay, dock, mooring, or other work, on any part of the shore or bank which has been declared to be within the limits of such port, and is not private property;

Expenses of removal.

and the owner of any such timber or raft or other thing shall be liable to pay the reasonable expenses of such removal;

and if such owner or any other person has without lawful excuse caused any such obstruction or impediment, or causes any public nuisance affecting or likely to affect such navigation, he shall also be punished with fine which may extend to one hundred rupees.

And the conservator or any magistrate having jurisdiction over the offence may cause such nuisance to be abated.

**S. XIV.** If any vessel hook or get foul of any of the buoys or moorings laid down by or by the authority of the local Government in any such port, the master of such vessel shall not, nor shall any other person, except in the case of emergency, lift such buoy or mooring for

Notice to conservator, if vessel fouls Government moorings.

the purpose of unhooking or getting clear from the same without the assistance of the conservator,

and the conservator, immediately on receiving notice of such accident, shall assist and superintend the clearing of such vessel;

and the master of such vessel shall, upon demand, pay such reasonable expense as may be incurred in clearing the same.

Expense of clearing vessel.

Any master offending against the provisions of this section shall, for every such offence, be punished with fine which may extend to one hundred rupees.

Penalty.

**S. XVI.** The conservator or any of his assistants may, whenever he suspects that any offence has been, or is about to be committed contrary to this Act, or whenever it is necessary for him so to do in the discharge of any duty hereby imposed upon him;

Power to board vessels.

and the collector of customs, or other officer appointed to collect any port dues or other charges payable in respect of any vessel under this Act, may, whenever it is necessary so to do, for the performance of any duty hereby imposed upon such collector or other officer,

either alone or with any other person, board any vessel, or enter any building or place within the limits of any port subject to this Act.

If the master of such vessel, or if any person in possession or occupation of any such building or place, without lawful excuse refuse to allow any officer or other person to board or enter such vessel, building, or place, for the performance of any duty imposed upon him by this Act, he shall, for every such offence, be punished with fine which may extend to two hundred rupees.

**S. XVII.** For the purpose of preventing or extinguishing fire in any port subject to this Act, the conservator may require the master of any ship within the port to place at his disposal such number as he requires, not exceeding three-fourths, of the crew then under the orders of such master.

Power to require crews to prevent or extinguish fire.

Any master refusing or neglecting to comply with such requisition, shall be punished with a fine which may extend to five hundred rupees, and any seaman then under his orders, who, after being directed by the master to obey the conservator's orders for the purpose aforesaid, refuses to obey such orders, shall be punished with fine which may extend to twenty-five rupees.

**S. XX.** No person shall, without lawful excuse, lift, injure, loosen, or set adrift any buoy, beacon, or mooring fixed or laid down by or by the authority of the local Government in any port subject to this Act.

Whoever offends against the provisions of this section shall, for every such offence, be liable, in addition to the payment of the amount of damage done, to fine which may extend to two thousand rupees, or to imprisonment for a term which may extend to two years.

**S. XXI.** Whoever wilfully and without lawful excuse loosens or removes from her moorings any vessel within any such port without leave or authority from the owner or master of such vessel; shall, for every such offence, be punished with fine which may extend to two hundred rupees, or with imprisonment for a term which may extend to six months.

**S. XXII.** No ballast or rubbish, and no other thing likely to form a bank or shoal, or to be detrimental to navigation, shall, without lawful excuse, be cast or thrown into any such port, or into or upon any place on shore from which the same is liable to be washed into any such port, either by ordinary or high tides, or by storms or land-floods.

Whoever by himself or another so casts or throws the same, and the master of any vessel from which the same is cast or thrown, shall be punished with fine which may extend to five hundred rupees over and above any expenses which may be incurred in removing the same. If after receiving notice from the conservator of the port to desist casting or throwing any such ballast or other thing, any master continues so to cast or throw it, he shall also be liable to simple imprisonment for a term which may extend to two months.

Nothing in this section applies to any case in which such ballast or other thing is cast or thrown into any such port with the consent in writing of the conservator, or within any limits within which such act may be authorized by the local Government.

**S. XXIII.** If any person grave, bream, or smoke any vessel in any such port contrary to the directions of the conservator, or at any time or within any limits at or within which such act is prohibited by any order of the local Government, such person, and also the master of such vessel, shall, for every such offence, be punished with fine which may extend to five hundred rupees.

**S. XXIV.** If any person boil or heat any pitch, tar, resin, dammer, turpentine, oil, or other such combustible matter on board any vessel with any such port, or at any place within its limits where such act is prohibited by the local Government, or contrary to the order or directions of the conservator, such person, and also the master of any vessel on board which such offence is committed, shall, for every such offence, be punished with fine which may extend to two hundred rupees.

**S. XXV.** If any person, by an unprotected artificial light, draws off spirits on board any vessel within any port subject to this Act, such person and also the master of every such vessel, shall, for every such offence, be punished with fine which may extend to two hundred rupees.

**S. XXVI.** Every master of a vessel in any port subject to this Act shall, when required so to do by the conservator, permit warps to be made fast to such vessel for the purpose of warping any other vessel in the port, and shall not allow any such warp to be let go until required so to do.

Any master offending against the provisions of this section, shall be punished for every such offence with a fine which may extend to two hundred rupees.

**S. XXVII.** No master of any vessel shall cause or suffer any warp or hawser attached to his vessel to be left out in any port subject to this Act, after sun-set, in such a manner as to endanger the safety of any boat or other vessel navigating in such port.

Any master offending against the provisions of this section shall be punished for every such offence with fine which may extend to two hundred rupees.

**S. XXXIV.** The master of any vessel having on board any gunpowder, contrary to the provisions of this Act, shall, for every such offence, be punished with fine which may extend to two hundred rupees;

and all gunpowder on board any vessel, contrary to the provisions of this Act, shall be forfeited to Government, and may be seized by the conservator, or by any collector of customs, or by any custom-house officer, or other officer authorized in that behalf by the local Government, within the limits of their respective jurisdictions.

**S. XXXV.** Whoever, without lawful excuse, discharges any gun, musket, or other fire-arm in any port subject to this Act, or on or from the landing-places, piers, wharfs, or quays thereof, except a gun loaded only with gunpowder for the purpose of making a signal of distress, or for such other purpose as may be allowed by the local Government, shall, for every such offence, be punished with fine which may extend to fifty rupees.

*Guns not to be discharged in port.*

Exception.  
Penalty.

**S. XXXVI.** The master of any vessel in which fire takes place while lying in any port, who wilfully omits to take order to extinguish such fire, shall be punished with imprisonment which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

*Penalty on master omitting to take order to extinguish fire.*

**S. XXXVIII.** No vessel of the burden of two hundred tons or upwards shall be moved in any port to which this section has been specially extended without having a pilot, harbour-master, or assistant of the master attendant or harbour-master on board; and no vessel of any burden less than two hundred tons and exceeding one hundred tons shall be moved in any such port without having on board a pilot, harbour-master, or assistant of the master attendant or harbour-master, unless authority in writing so to do has been obtained from the conservator or some officer empowered by him to give such authority.

*Vessels in certain cases not to be moved without having a pilot, &c., or permission of harbour-master.*

If any vessel, except in case of urgent necessity, be moved contrary to the provisions of this section, the master of such vessel shall, for every such offence, be punished with fine which may extend to two hundred rupees, unless upon application to the proper officer the master be unable to procure a pilot, harbour-master or assistant of the master attendant or harbour-master to go on board the said vessel.

**S. XXXIX.** Every vessel exceeding the burden of two hundred tons and lying in any such port, shall be provided with a proper force-pump, hose, and appurtenances, for the purpose of extinguishing any fire that may occur on board.

*Vessels above 200 tons to be provided with force-pump, &c.*

The master of every such vessel who, having been required by the conservator to comply with the provisions of this section, without lawful excuse neglects or refuses so to do for the space of seven days after such requisition, shall be punished with fine which may extend to five hundred rupees.

**S. LXV.** Any pilot in charge of a vessel who disobeys, or abets within the meaning of the Indian Penal Code disobedience to, any of the provisions of this chapter, shall be liable to a penalty not exceeding five hundred rupees for each instance of such disobedience or abetment, and in addition shall be liable to dismissal from his appointment.

*Punishment of pilot disobeying provisions of this chapter.*

## POST OFFICE Act XIV of 1866.

*To amend the law for the management of the Post Office, for the regulation of the duties of Postage, and for the punishment of offences against the Post Office.*

**S. XXXI.** When any vessel arrives by sea at any place within British India at which there is a post office, the commander of such vessel shall, as speedily as possible, cause every letter, mail bag, box and packet on board of such vessel, which is directed to that place and not excepted from the exclusive privilege of the post office, to be delivered either at the post office or to some officer of the post office authorized to receive the same; and if there be on board any letter, mail bag, box or packet, directed to any other place and not excepted from the exclusive privilege aforesaid, the said commander shall, as speedily as possible, report the same to the post master of the place at which he has arrived, and shall act according to the directions he may receive from such post master, and the receipt of such post master shall discharge such commander from all responsibility in respect of such letter or packet. Every commander of a vessel who shall wilfully disobey any of the directions contained in this section, shall be punished with a fine not exceeding one thousand rupees.

*Commanders of inward-bound vessels carrying mails, how to proceed on arrival.*

Penalty.

**S. XXXII.** Every person being either the commander of a vessel inward-bound or any one on board such vessel, who shall, within British India, knowingly have in his possession any letter not excepted from the privilege of the post office, after any part of the letters on board the said vessel shall have been sent to the post office, shall forfeit for every such letter a sum not exceeding fifty rupees, whether the letter be in the baggage or on the person of the offender, or otherwise in his custody; and every such person who shall detain any such letter after demand made for the same by an officer of the post office, shall forfeit for every such letter a sum not exceeding one hundred rupees.

*Detention of letters on board inward-bound vessel.*

**S. XXXIII.** For every letter delivered by the commander of any ship in conformity with the directions of Section 31 of this Act, the officer in charge of the post office shall

*Bounty-money.*  
pay to the said commander the sum of one anna; and the sum of one anna shall be chargeable as postage on such letter, in addition to any other postage chargeable thereon under this Act. Provided that no payment shall be made to the commander of any vessel on account of the delivery of any letter, unless the claim of such commander shall be preferred before the vessel leaves the place at which the letter was delivered, or before the expiration of two months from the date of the arrival of such vessel. Provided also, that nothing contained in Section 31 and the former part of this section of this Act, shall extend to any letter or mail bag, or box or packet conveyed by any mail ship or mail steamer recognized as such by the Governor-General of India in Council.

**S. XXXIX.** Government vendors of postage stamps shall be bound by such rules, and in case of any wilful breach thereof, shall be punished with a fine not exceeding two hundred rupees in addition to any other proceedings to which they may be liable.

*Penalty for refusing to supply stamps.*  
**S. XL.** Any Government vendor of postage stamps who shall be convicted of refusing, or unnecessarily delaying without reasonable excuse, to furnish postage stamps to any person desiring to purchase the same, and tendering in lawful currency the full value thereof (the stamp vendor having in his possession for sale sufficient stamps of the description and value required), shall be punished with a fine not exceeding one hundred rupees.

*Penalty for selling stamps for higher price than the value denoted thereby.*  
**S. XLI.** Any Government vendor of postage stamps convicted of taking from a purchaser a higher price than the value denoted on the stamps sold, shall be punished on conviction with imprisonment of either description, as defined in the Indian Penal Code, for any term not exceeding six months, or shall be liable to a fine not exceeding one hundred rupees; and shall also be liable to refund to the purchaser the whole amount proved to have been taken in excess, which amount may be recovered by such purchaser before a criminal court in the same manner as any penalty under this Act.

*Penalty for sending dangerous substance by post.*  
**S. XLII.** No person shall knowingly post, or send, or tender, or deliver, in order to be sent by the post, any letter, parcel or packet containing any explosive or other dangerous material or substance; and any person contravening this prohibition, shall be punished for every such offence, with a fine not exceeding two hundred rupees.

**S. XLIII.** Every person who shall, for the purpose of defrauding the post office revenue, wilfully certify by writing on any official or other letter or packet delivered at any post office for conveyance by post, that which is not true in respect of such letter or packet or in respect of the whole of its contents, or shall knowingly send or deliver, or attempt to send or deliver, for conveyance by post, any letter or packet with any such false certificate thereon; and every person who shall knowingly send or permit to be sent by post, under color or pretence of an official communication, any letter, paper, writing or other enclosure of a private nature, shall, for every such offence, be punished with a fine not exceeding five hundred rupees.

*Penalty for detaining mails or opening mail bags.*  
**S. XLIV.** It shall not be lawful for any person, unless acting by express order of the Government, to detain, except for a criminal offence, a post office messenger whilst carrying the mails, or to detain any carriage or horse upon which the mails are being carried, or on any pretence to open a packet or mail bag or box in transit from one post office to another, and every person who shall be guilty of any of the offences mentioned in this section, shall be punished with a fine not exceeding five hundred rupees.

*Penalty for retaining letters, &c., delivered by mistake.*  
**S. XLV.** Every person who shall fraudulently retain, or wilfully secret, or make away with, or keep or detain, or being required to deliver up by an officer of the post office, shall neglect or refuse to deliver up a post letter or other article which ought to have been delivered to any other person, or a mail bag, box or packet containing a letter or other article which shall have been sent by the post, shall be punished, on conviction before a criminal court, with imprisonment of either description as defined in the Indian Penal Code, for a term not exceeding two years, and shall also be liable to fine.

**S. XLVI.** *Clause 1.*—Every person who shall convey, otherwise than by the post, a letter not excepted from the said exclusive privilege conferred on the Government of India by Section 5 of this Act shall, for every letter so conveyed, forfeit a sum not exceeding fifty rupees.

*Clause 2.*—Every person who shall perform, otherwise than by the post, any services incidental to conveying letters from place to place, whether by receiving, taking up, ordering, collecting, carrying, tendering or delivering a letter or letters not excepted from the said exclusive privilege, shall forfeit for every such letter a sum not exceeding fifty rupees.

*Penalty for performing, otherwise than by the post, any services incidental to conveying letters.*



Penalty for making clubbed packets or tendering or delivering letter to be sent therein.

**Clause 3.**—Every person who shall make a collection of letters for the purpose of transmitting them through the post in a clubbed packet, and every person who shall knowingly tender or deliver a letter to be sent in a clubbed packet, shall forfeit for every such letter a sum not exceeding fifty rupees.

Penalty for sending letter in breach of privilege, or delivering letter to be so sent.

**Clause 4.**—Every person who shall send a letter not excepted from the said exclusive privilege, otherwise than by the post, or shall either tender or deliver a letter not so excepted, in order to be sent otherwise than by the post, shall forfeit for every such letter a sum not exceeding fifty rupees.

Penalty for collecting excepted letters to send them otherwise than by post.

**Clause 5.**—Every person who shall make a collection of excepted letters for the purpose of sending them otherwise than by the post, shall forfeit for every such letter a sum not exceeding fifty rupees.

Penalty for breach of provisions of Section 6.

**Clause 6.**—Every person who shall carry, receive, tender or deliver a letter, or collect letters contrary to the provisions of Section 6 of this Act, shall forfeit for every such letter a sum not exceeding fifty rupees.

Penalty for practice of acts mentioned in this section.

**Clause 7.**—Every person who shall be in the practice of committing any of the Acts mentioned in this section, shall, for every week during which the practice shall be continued, forfeit a further sum not exceeding five hundred rupees.

Penalty for neglect on the part of persons employed to carry mails.

**S. XLVII.** Every person employed to convey or deliver any mail bag or box, or any letter or other article sent by post, who shall be guilty, while so employed, of drunkenness, carelessness, or other misconduct, whereby the safety of any such bag, box, or letter or other article shall be endangered; or who shall loiter or make delay in the conveyance or delivery of any such bag, box, letter or other article; or who shall not use proper care and diligence safely to convey or deliver any such bag, letter or other article, shall be liable to a fine not exceeding fifty rupees; and any person employed to deliver a letter or other article sent by the post, who shall not duly deliver the same, shall, within a reasonable time not exceeding twenty-four hours, report the fact at the post office where he received such letter or other article, and return the same; and if any such person shall wilfully make a false report, he shall be liable to a fine not exceeding fifty rupees.

# **S. XLVIII.**

Penalty for stealing, &c., or opening letters, &c., by persons employed in the post office.

Whoever being in the employ of the Government in the post office department, shall steal, fraudulently appropriate, or wilfully secret, destroy or throw away any letter or other article sent by post, or anything contained in any such letter or other article, or shall mutilate or break open any such letter or other article, or any mail bag or box, with the intention of fraudulently appropriating anything therein contained, shall be punished, on conviction before a criminal court, with imprisonment of either description as defined in the Indian Penal Code, for a term not exceeding seven years, and shall also be liable to fine.

# **S. XLIX.**

Penalty for fraudulently altering marks on letters, &c., by persons employed in the post office.

Whoever being in such employ as last aforesaid, shall fraudulently put any wrong mark on any letter or other article, or shall fraudulently alter, remove or cause to disappear any mark or stamp which is on any letter or other article; or shall fraudulently use or place with or upon any letter or other article, any stamp which shall have been removed from any other letter or other article; or, being entrusted with the delivery of any letter or other article, shall knowingly demand or receive any sum of money for the postage thereof other than the sum duly chargeable for such postage, shall be punished, on conviction before a criminal court, with the imprisonment of either description as defined in the Indian Penal Code for a term not exceeding two years, and shall also be liable to fine.

# **S. L.**

Penalty for preparing incorrectly or altering or secreting documents by persons employed in the post office.

Whoever being in such employ as last aforesaid, and being entrusted with the preparing or keeping of any document, shall, with a fraudulent intention, prepare the document incorrectly, or alter that document, or secret or destroy that document, shall be punished, on conviction before a criminal court, with imprisonment of either description as defined in the Indian Penal Code for a term not exceeding two years, and shall also be liable to fine.

# **S. LI.**

Penalty for sending letters on which postage has not been paid or charged by persons employed in the post office.

Whoever being in such employ as last aforesaid, shall send by the post, or put into any mail bag or box, any unstamped letter or other article upon which postage has not been paid or charged in the manner prescribed in this Act, intending thereby to defraud the Government of the postage on such letter or other article, shall be punished, on conviction before a criminal court, with imprisonment of either description as defined in the Indian Penal Code for a term not exceeding two years, and shall also be liable to fine.

Penalty for abetting or concealing offences under this Act.

\* LII. Whoever abets, within the meaning of the Indian Penal Code, or conceals any offence made punishable by this Act, shall be punished with the punishment provided for such offence.

† LVI. All fines imposed under the authority of this Act, for offences punishable by fine only, by any criminal court or by any assistant to a magistrate or deputy magistrate,

Fines—how levied.

may, in case of non-payment thereof, be levied by distress and sale of the goods and chattels of the offender, by warrant under the hand of any of the above named officers. In case any such fine shall not be forthwith paid, any such officer may order the offender to be apprehended and detained in safe custody until the return can be conveniently made to such warrant of distress, unless the offender shall give security to the satisfaction of such officer for his appearance at such place and time as shall be appointed for the return of the warrant of distress, and such officer may take security by way of recognizance or otherwise. If upon the return of such warrant, it shall appear that no sufficient distress can be had whereon to levy such fine, and the same shall not be forthwith paid, or in case it shall appear to the satisfaction of such officer, by the confession of the party or otherwise, that he has not sufficient goods and chattels whereupon such fine or sum of money could be levied if a warrant of distress were issued, any such officer, by warrant under his hand, may commit the offender to prison, there to be imprisoned only, or to be imprisoned and kept to hard labour, according to the discretion of such officer, for any term not exceeding two calendar months where the amount of the fine shall not exceed fifty rupees, and for any term not exceeding four calendar months where the amount shall not exceed one hundred rupees, and for any term not exceeding six calendar months in any other case; and the commitment to be determinable in each of the cases aforesaid on payment of the amount.

Imprisonment if no sufficient distress, &c.

\* Under Section 52, whoever abets, or conceals any offence made punishable by this Act, shall be punished with the punishment provided for such offence.

† Section 56 prescribes the procedure for recovery of fines imposed, and the periods of imprisonment to which the offender shall be liable on non-recovery.

## PRINTING PRESSES Act XXV of 1867.

*For the regulation of Printing-Presses and Newspapers, for the preservation of copies of books printed in British India, and for the registration of such books.*

S. XII. Whoever shall print or publish any book or paper otherwise than in conformity with the rule contained in Section 3 of this Act, shall, on conviction before a magistrate, be punished by fine not exceeding five thousand rupees, or by simple imprisonment for a term not exceeding two years, or by both.

S. XIII. Whoever shall keep in his possession any such press as aforesaid, without making such a declaration as is required by Section 4 of this Act, shall, on conviction before a magistrate, be punished by fine not exceeding five thousand rupees, or by simple imprisonment for a term not exceeding two years, or by both.

S. XIV. Any person who shall, in making any declaration under the authority of this Act, make a statement which is false, and which he either knows or believes to be false, or does not believe to be true, shall, on conviction before a magistrate, be punished by fine not exceeding five thousand rupees, and imprisonment for a term not exceeding two years.

S. XV. Whoever shall print or publish any such periodical work as is hereinbefore described, without conforming to the rules hereinbefore laid down, or whoever shall print or publish, or shall cause to be printed or published, any such periodical work, knowing that the said rules have not been observed with respect to that work shall, on conviction before a magistrate, be punished with fine not exceeding five thousand rupees, or imprisonment for a term not exceeding two years, or to both.

S. XVI. If any printer of any such book as is referred to in Section 9 of this Act, or of any second or subsequent edition of any such book, shall neglect to deliver three copies of the same pursuant to this Act, he shall, for every such default forfeit, besides the value of the copies which he ought to have delivered, a sum not exceeding fifty rupees, to be recovered by the said officer on conviction before a person exercising any of the powers of a magistrate. If any publisher or other person employing any such printer shall neglect to supply him in manner aforesaid with the maps, prints, or

Penalty for non-delivery of books.

engravings, finished and coloured as aforesaid, which may be necessary to enable him to comply with the provisions of the same section, such publisher or other person shall, for every such default, forfeit, besides the value of the said maps, prints or engravings which he ought to have supplied, a sum not exceeding the said amount, and such sum shall be recovered in manner last aforesaid.

\* XVII. All pecuniary penalties imposed under this Act may be recovered, if for offences committed outside the local limits of the towns of Calcutta, Madras and Bombay, in the manner prescribed by the Code of Criminal Procedure, and if for offences committed within those limits, in the manner prescribed by any Act for regulating the police of such towns in force for the time being. All such penalties shall be disposed of as the local Government shall from time to time direct.

### PRISONERS' Act V of 1871.

*To consolidate the laws relating to Prisoners confined by order of a Court.*

S. XXIX. If a licence be granted under Section 23 upon any condition specified therein, and the convict to whom the licence is granted violates any such condition: or goes beyond the limits specified in the licence, or, knowing of the revocation of such licence, neglects forthwith to surrender himself, or conceals himself, or endeavours to avoid being apprehended, he shall be liable upon conviction to be sentenced to penal servitude for a term not exceeding the full term of penal servitude mentioned in the original sentence.

### PRISONS' Act V of 1869 (Madras.)

*For the regulation of Jails within the Presidency of Fort St. George, and for the enforcement of discipline therein.*

S. XI. 2. In cases of contumacious refusal to work, or of wilful neglect and indolence in the performance of any prescribed work within the first or second clause of Section 10 of this Act, the superintendent may cause the prisoner to be punished by stripes, not exceeding sixty, with a cat-o'-nine-tails, and, in the instance of a prisoner pertinaciously refusing to work, may likewise order his diet allowance to be reduced in such degree, as

\* Section 17 prescribes the procedure for recovery of pecuniary penalties imposed under this Act.

may be consistent with his support, until he shall perform the work required from him.

3. The offences specified in the third, fourth, and fifth clauses of the preceding section, shall be punishable according to the nature and circumstances of the case, by stripes with a cat-o'-nine-tails, not exceeding one hundred and fifty stripes, or by separate confinement not exceeding seven days for each offence, or by restriction of diet in the manner prescribed by Government.

S. XIV. Whoever takes, or attempts to take, or introduces or attempts to introduce, without due permission, into any jail, any spirits, or spirituous or fermented liquors, or intoxicating drugs or preparations, or tobacco, or weapons, or tools of any description, or without such permission communicates or attempts to communicate directly or indirectly, with any prisoner or prisoners confined in any jail, shall be liable, on conviction before a magistrate, to pay a fine not exceeding rupees fifty, or to undergo imprisonment of either description, as defined in the Indian Penal Code, for any term not exceeding two months for each offence.

S. XV. Whoever, without due permission, conveys or attempts to convey to any prisoner or prisoners employed on any work beyond the precincts of any jail, any of the articles mentioned in the preceding section, or without such permission communicates or attempts to communicate, directly or indirectly, with any prisoner or prisoners employed as aforesaid, shall be liable, upon conviction before a magistrate, to pay a fine not exceeding fifty rupees, or to undergo imprisonment of either description, as defined in the Indian Penal Code, for any term not exceeding two months.

### QUARANTINE Act I of 1870.

*To provide Rules relating to Quarantine.*

Whereas it is expedient to empower expressly the Governor-General of India in Council and the local Governments to make rules relating to quarantine; it is hereby enacted as follows:—

S. I. It shall be lawful for the Governor-General of India in Council and (with the previous sanction of the said Governor-General in Council) for the local Governments respectively, from time to time, to make rules for putting any vessel into a state of quarantine;

Power to make quarantine rules.

for regulating the intercourse of vessels in a state of quarantine with the shore, or with other vessels; and

for regulating intercourse between ports where an infectious disease prevails and other ports.

Quarantine rules to be deemed rules under Section 274 of Penal Code.

**S. II.** All such rules shall be published in the *Gazette of India* and also in the local gazette, and shall thereupon be deemed to be rules made and promulgated under Section 271 of the Indian Penal Code.

## RAILWAYS' Act XVIII of 1854.

*Relating to Railways in India.*

**S. III.** Any person who shall defraud or attempt to defraud any such railway company, by travelling, or attempting to travel upon such railway without having previously paid his fare; or by riding in or upon a carriage of a higher class than that for which he shall have paid his fare; or by continuing his journey in or upon any of the carriages of the company beyond the place for which he shall have paid his fare, without previously paying the fare for the additional distance, and with intent to avoid payment thereof; or who shall knowingly and wilfully refuse or neglect, on arriving at the point to which he shall have paid his fare, to quit such carriage; or who shall, in any other manner whatever, attempt to evade the payment of his fare, shall be liable to a fine not exceeding fifty rupees for each offence.

**S. IV.** Any passenger who shall get into or upon, or attempt to get into or upon, or shall quit or attempt to quit any carriage upon any such railway, while such carriage is in motion; or who shall ride or attempt to ride upon any such railway, on the steps, or any other part of a carriage, except on those parts which are intended for the accommodation of passengers; shall be liable to a fine not exceeding twenty rupees for each offence.

**S. V.** Any person other than the engine-man and fire-man, and assistant fire-man, if any, who, without the special licence of the superintendent of locomotives, shall ride or attempt to ride upon any locomotive engine or tender upon any such railway; and any person other than the guard or breakman, who, without such licence as aforesaid, shall ride, or attempt to ride upon such railway, in or upon any luggage-van or goods-wagon, or other vehicle not appropriated to the carriage of passengers, shall be liable to a fine not exceeding twenty rupees for each offence.

**S. VI.** If any person shall smoke, either on the premises or in or upon any of the carriages belonging to any such railway company, except in places or carriages which may be specially provided for the purpose, he shall be liable to a fine not exceeding twenty rupees for each offence; and if any person persist in infringing this regulation after being warned to desist by any of the servants of the company, such person, in addition to incurring the liability above-mentioned, may be removed by any of the servants of the company from any such carriage, and from the premises of the company, and shall forfeit his fare.

**S. VII.** Any person who shall be in a state of intoxication, or shall commit any nuisance or act of indecency in any railway carriage, or upon any part of the premises of any such railway company; or who shall wilfully and without lawful excuse interfere with the comfort of any passenger on such railway, shall be liable to a fine not exceeding twenty rupees; and in addition to such liability the offender may be removed by any of the servants of the company from any such carriage, and also from the premises of the company, and shall forfeit his fare.

**S. VIII.** If any special carriage, or portion of a carriage, or any private room or apartment, shall be provided by any such railway company for the exclusive use of females, any male person who, without lawful excuse, shall enter such carriage or portion of a carriage, or any such room or apartment, knowing the same to be exclusively appropriated as aforesaid, or shall remain therein after having been informed of its exclusive appropriation, shall be liable to a fine not exceeding one hundred rupees, and may be removed therefrom, and also from the premises of the company by any of the servants of the company, and shall forfeit his fare.

**S. XIV.** If any such owner or person as aforesaid, shall wilfully fail to give such account to such servant of the company; or if he shall wilfully give a false account thereof, he shall, for every such offence, be liable to a fine not exceeding fifty rupees for every ton of goods, or for any parcel exceeding one hundred weight; and to a fine not exceeding twenty rupees for any quantity of goods less than a ton, or for any parcel less than one hundred weight.

**S. XV.** No person shall carry upon any such railway any dangerous goods; or be entitled to require any such railway company to carry upon such railway any luggage or goods which, in the judgment of the company or any of their servants, shall be of a dangerous nature; and if



any person shall carry upon such railway any dangerous goods, or shall deliver to such railway company any such goods for the purpose of being carried upon such railway, without distinctly marking their nature on the outside of the package containing the same, or otherwise giving notice in writing of the nature thereof to the book-keeper or other servant of the company to whom the same shall be delivered for the purpose of being so carried, he shall be liable to a fine not exceeding two hundred rupees for every such offence; and it shall be lawful for any such company or any of their servants to refuse to carry any luggage or parcel that they may suspect to contain goods of a dangerous nature, and to require the same to be opened to ascertain the fact previously to carrying the same; and in case any such luggage or parcel shall be received by the company for the purpose of being carried on the railway, it shall be lawful for the company or any of their servants to stop the transit thereof, until they shall be satisfied as to the nature of the contents of the baggage or parcel.

**S. XVI.** Any person who shall wilfully obstruct or impede any officer or servant of the company in the discharge of his duty on such railway, or any of the works, stations or premises connected therewith, shall be liable to a fine not exceeding fifty rupees.

**S. XVII.** Any person who shall trespass upon any such railway or upon any of the lands, stations, or other premises belonging to the company, shall be liable to a fine not exceeding twenty rupees; and if any such person shall refuse to leave such railway or premises on being requested to do so by any officer or servant of the company, or by any other person on behalf of the company, he shall be liable to a fine not exceeding fifty rupees, and may be immediately removed from such railway or premises by such officer, servant, or other person as aforesaid.

\* "XIX. The owner or person in charge of any cattle trespassing or straying on any railway provided with fences suitable for the exclusion of cattle shall, on conviction before a magistrate, be liable to a fine not exceeding ten rupees for each animal, in addition to any amount that may be recovered under the Cattle Trespass Act."

\* "XX. Whenever cattle are wilfully driven or knowingly permitted to be on any railway provided with fences suitable for the exclusion of cattle, otherwise than for the purpose of crossing the railway at a gate or bar provided for public use, the person in charge of such cattle,

Penalty for obstructing servant in his duty.

Penalty for trespass.

Penalty for cattle-trespass within fences of a railway.

Penalty for wilfully driving cattle upon a railway.

or, if he cannot be identified, then the owner of the said cattle, shall, on conviction before a magistrate, be liable to a fine not exceeding fifty rupees for each animal, in addition to any amount that may be recovered under the said act.

Fines imposed under this or the preceding section, may be recovered in the manner provided by Section 23 of the said Act."

**S. XXII.** Any person who shall unlawfully and wilfully remove or deface the number, plates, or remove or extinguish any lamp on any carriage belonging to any such railway company; or shall wilfully or negligently damage or injure any carriage, engine, waggon, truck, warehouse, building, machine, fence, or any other matter or thing belonging to such railway company, shall be liable to a fine not exceeding fifty rupees.

**S. XXIII.** If any person for whose use or accommodation any gate shall have been set up by any such railway company on either side of such railway, or any other person shall open such gate; or pass, or attempt to pass, or drive, or attempt to drive any carriage, cattle, or other animal or thing across the said railway at a time when any engine or train approaching along the same shall be in sight; or shall at any time omit to shut and fasten such gate, as soon as he and any carriage, cattle, or other animal or thing under his charge, shall have passed through the same, he shall be liable to a fine not exceeding fifty rupees.

**S. XXV.** Whoever shall wilfully do any act or shall wilfully omit to do what he is legally bound to do, intending by such act or omission to cause, or knowing that he is thereby likely to cause the safety of any person travelling or being upon any such railway to be endangered, shall be liable to be transported beyond sea for the term of his life, or to be imprisoned, with or without hard labour, for any term not exceeding seven years.

\* "XXVI. Every railway company, or in the case of a railway not managed by a company, the officer for the time being entrusted with the control of such railway, shall make general rules and regulations for the use, working, and general administration of the railway, and may, in like manner, from time to time vary the same.

All such general rules and regulations or variations thereof shall be submitted to the Governor-General in Council for sanction, and, when sanctioned, shall be published in the *Gazette of India*, and shall be otherwise notified.

Power of railway company or controlling officer of a railway to make rules and regulations.

Publication of such rules.

\* This is a substituted section by Act 25 of 1871.

\* These are substituted sections by Act 25 of 1871.

fied to the public and to the officers and persons employed upon such railway in such a manner as the Governor-General in Council from time to time directs.

Any such rule or regulation may contain a provision that any person committing a breach of it shall be liable to a fine not exceeding fifty rupees, or, in default of payment of such fine, to imprisonment of either description for a term which may extend to two months.

The Governor-General in Council may at any time cancel any rule or regulation so sanctioned.

Any justice of the peace may try a European British subject for an offence under this section, and on conviction award a sentence within the limits thereby prescribed for such offence."

**S. XXVII.** Any officer or servant of such railway company who shall

Penalty for drunken-  
ness or breach of duty  
by railway officer.

be in a state of intoxication whilst actually employed upon the railway, or any of the works connected therewith, in the discharge of any duty, and any officer or servant of such company who shall negligently omit to perform his duty, or shall perform the same in an improper manner, shall be liable to a fine not exceeding fifty rupees; and if the duty in any of the cases in this section above-mentioned be such that the omission or negligent performance thereof would be likely to endanger the safety of any person travelling or being upon such railway, such officer or servant shall, on conviction before a magistrate, be liable to imprisonment, with or without hard labour, for a term not exceeding one year, or to fine, or to both.

**S. XXVIII.** If any person shall rashly or negligently and without

Penalty for an act  
not wilful.

lawful excuse do any act which shall be likely to endanger the safety of any person travelling or being upon such railway, he shall, upon conviction before a magistrate, be liable to imprisonment, with or without hard labour, for a term not exceeding one year, or to fine, or to both.

\* "XXIX. If any officer or person employed upon a railway endangers the safety of any person by

(1) disobeying any general rule or regulation sanctioned and notified in the manner proscribed by Section 26, or

(2) disobeying any rule or order not inconsistent with the general rules or regulations aforesaid, and which he was bound by the terms of his service to obey, and of which he had notice, or

(3) by any rash or negligent act or omission, he shall be liable to imprisonment of either description for any term not

\* This is a substituted section by Act 25 of 1871.

exceeding three years, or to fine not exceeding five hundred rupees, or to both."

\* XXXIV. All fines imposed under the authority of this Act for offences punishable by fine only by any justice of the peace, magistrate, joint-magistrate, or person lawfully exercising the powers of a magistrate, or by

any assistant to a magistrate, or deputy magistrate, may, in case of non-payment thereof, be levied by distress and sale of the goods and chattels of the offender, by warrant under the hand of the abovenamed officers; and in case any such fine shall not be forthwith paid, any such officer may order the offender to be apprehended and detained in safe custody until the return can be conveniently made to such warrant of distress, unless the offender shall give security to the satisfaction of such officer for his appearance at such place and time as shall be appointed for the return of the warrant of distress, and such officer may take such security by way of recognizance or otherwise; and if upon the return of such warrant it shall appear that no sufficient distress can be had whereon to levy such fine, and the same shall not be forthwith paid, or in case it shall appear to the satisfaction of such officer, by the confession of the offender or otherwise, that he has not sufficient goods and chattels whereupon such fine or sum of money could be levied if a warrant of distress were issued, any such officer may, by warrant under his hand, commit the offender to prison, there to be imprisoned only, or to be imprisoned and kept to hard labour, according to the discretion of such officer, for any term not exceeding two calendar months, when the amount of the fine shall not exceed fifty rupees, and for any term not exceeding four calendar months, when the amount shall not exceed one hundred rupees, and for any term not exceeding six calendar months in any other case, the commitment to be determinable in each of the cases aforesaid on payment of the amount.

+ XXXV. The heads of district police and ameen of police in the presidency of Madras, and district or joint police officers in the presidency of Bombay, may punish, to the extent of the powers conferred upon them re-

Jurisdiction in Madras and Bombay Presidencies.

\* Section 34 prescribes the procedure for recovery of fines imposed under this Act, and the periods of imprisonment to which the offender shall be liable in case of non-payment and non-recovery of fines.

+ Section 35 provides that Heads of District Police and Ameen of Police in the Presidency of Madras, may punish, to the extent of the powers conferred upon them respectively, in petty offences, any offence hereby made punishable by fine not exceeding Rs. 20.

spectively in petty offences, any offence hereby made punishable by fine not exceeding twenty rupees.

**S. XLI.** Every such railway company shall, within forty-eight hours after the occurrence upon the railway belonging to such company of any accident attended with serious personal injury, give notice thereof to the local Government; and if any such company omit to give such notice, they shall forfeit the sum of fifty rupees for every day during which the omission to give the same shall continue.

**S. XLII.** The local Government may order and direct any such railway company to make up and deliver to them a return of serious accidents occurring in the course of the public traffic upon the railway belonging to such company, whether attended with personal injury or not, in such form and manner as the Government shall deem necessary and require for their information, with a view to the public safety; and if any such returns shall not be so delivered within fourteen days after the same shall have been required, every such company shall forfeit the sum of fifty rupees for every day during which the said company shall neglect to deliver the same.

Penalty.

### **RAILWAYS AND OTHER PUBLIC WORKS' Act IX of 1860.\***

*To make provision for the speedy determination of certain disputes between workmen engaged in Railway and other Public works, and their employers.*

**S. VIII.** Any person who shall voluntarily engage for a stipulated period to work on a railway, canal, or other public work, the construction of which is or shall be sanctioned in the manner specified in Section I of this Act, or to execute any specific work in connection with such public work, and who shall wilfully and without lawful or reasonable excuse neglect or refuse to perform the work so stipulated for, shall be liable, on conviction before a magistrate, to a fine not exceeding twenty rupees. The magistrate may, at the request of the complainant or of any one authorized to act on his behalf, instead of fining such person, order him to perform or get performed the work according to the terms of his contract or engagement; and if he shall fail to comply with the order, the magistrate may, upon proof to his satisfaction of such non-compliance, sentence such

\* This Act shall take effect only in those Districts or places to which it shall be extended by order of the Governor-General of India in Council, or of the executive government of any presidency or place.

person to be imprisoned with or without hard labour for any term not exceeding two months.

### **RECRUITMENT IN BRITISH INDIA FOR SERVICE OF FOREIGN STATES' Act IV of 1874**

*To control Recruiting in British India for the service of Foreign States.*

**S. VI.** Whoever, in violation of the prohibition of the Governor-General in Council, or of any condition subject to which permission to recruit may have been accorded,

(a) induces or attempts to induce any person to accept or agree to accept or to proceed to any place with a view to obtaining any commission or employment in the service of any Foreign State, or

(b) knowingly aids in the engagement of any person so induced, by forwarding or conveying him or by advancing money or in any other way whatever, shall be liable to imprisonment for a term which may extend to seven years, or to fine to such amount as the court thinks fit, or to both.

### **REGISTRATION Act VIII of 1871.**

*To provide for the Registration of Documents.*

**S. LXXIX.** Every registering officer appointed under this Act, and every person employed in his office for the purposes of this Act, who, being charged with the endorsing, copying, translating, or registering of any document presented or deposited under the provisions, endorses, copies, translates or registers such document in a manner which he knows or believes to be incorrect, intending thereby to cause, or knowing it to be likely that he may thereby cause injury, as defined in the Indian Penal Code, to any person, shall be punished with imprisonment for a term which may extend to seven years, or with fine, or with both.

**S. LXXX.** Whoever commits any of the following offences shall be punishable with imprisonment for a term which may extend to seven years, or with fine, or with both:—

Penalty for certain other offences.

Making false statements before registering officer.

(a.) intentionally makes any false statement, whether on oath or not, and whether it has been recorded or not before any officer acting in execution of this Act, in any proceeding or enquiry under this Act,

(b.) intentionally delivers to a registering officer in any proceeding under Section nineteen or Section twenty-one a false copy or translation of a document, or a false copy of a map or plan,

(c.) falsely personates another, and in such assumed character presents any document, or makes any admission or statement, or causes any summons or commission to be issued, or does any other act in any proceeding or enquiry under this Act,

(d.) abets within the meaning of the Indian Penal Code anything made punishable by this Act.

\* LXXXI. A prosecution for any offence under this Act coming to the knowledge of a registering officer in his official capacity may be instituted by or with the permission of the inspector-general, the branch inspector-general of Scindh, the registrar or the sub-registrar, in whose territories, district or sub-district, as the case may be, the offence has been committed.

Offences punishable under this Act shall be triable by any court or officer exercising powers not less than those of a subordinate magistrate of the first class :

Provided that in imposing penalties under this Act, no such court or officer shall exceed the limits of jurisdiction prescribed by the law for the time being in force as to such court or officer.

All fines imposed under this Act may be recovered, if for offences committed outside the limits of the presidency towns, in the manner prescribed by the Code of Criminal Procedure ; and if for offences committed within those limits, in the manner prescribed by any Act regulating the police of such towns for the time being in force.

### RENT RECOVERY Act VIII of 1865 (Madras.)

*To consolidate and improve the Laws which define the process to be taken for the Recovery of Rent.*

S. XXVI. When a defaulter may make a fraudulent conveyance of property to prevent the distress of arrears, any civil court of competent jurisdiction, upon proof thereof, shall summarily cause the property to be delivered up to the distrainer. The defaulter will

Penalty for fraudulent conveyance of property to prevent distress.

\* Section 51 prescribes the procedure for recovery of fines imposed under this Act.

further be liable to the penalties prescribed by Section 424 of the Indian Penal Code.

S. XXX. Persons entering the apartments of women, or forcing open the outer-door of dwelling houses, contrary to the provisions of this Act, shall, on conviction before a magistrate, be liable to a fine not exceeding Rs. 500, or to imprisonment of either description for any period not exceeding six months.

Punishment for unlawful entry.

### REVENUE RECOVERY Act XII of 1851.

*For securing the Land Revenue of Madras.*

S. XIII. Any person obstructing or molesting the collector, or any of his subordinate officers, in the execution of their duty, shall, on conviction before a magistrate of the Town of Madras, be liable to a fine not exceeding five hundred rupees, and, in default of payment, to imprisonment in the common gaol for a term not exceeding six months, or until the fine is sooner paid.

S. XIV. The collector may punish any contempt committed in his presence in open catcherry or office, by fine not exceeding two hundred rupees, and, in default of payment, by imprisonment in the common gaol for a term not exceeding one month. From every such order of fine or imprisonment an appeal shall lie to the Board of Revenue, whose decision shall be final.

Punishment for contempt, subject to appeal to Revenue Board.

### REVENUE RECOVERY Act II of 1864 (Madras.)

*To consolidate the Laws for the Recovery of Arrears of Revenue in the Madras Presidency.*

S. XVI. Where a defaulter may make a fraudulent conveyance of property to prevent the distress of arrears, any civil court of competent jurisdiction, upon proof thereof, shall summarily cause the property to be delivered up to the distrainer. The defaulter will further be liable to the penalties prescribed by Section 424 of the Indian Penal Code.

Penalty for fraudulent conveyance of property to prevent distress.



**S. XXI.** Persons entering the apartments of women, or forcing open the outer-door of dwelling houses, contrary to the provisions of this Act, shall, on conviction before a magistrate, be liable to a fine not exceeding Rupees 500, or to imprisonment of either description for any period not exceeding six months.

## REVENUE MALVERSATION REGULATION IX OF 1822.

*For empowering Collectors to take primary cognizance of cases of malversation in Revenue affairs, &c., &c.  
(Vide also Act XXVI of 1837.)*

**\* II. Third.** The classes or descriptions of persons in regard to whom the collectors shall have authority to exercise the powers of summary investigation, decision, and punishment, granted to them by this Regulation, are declared to be as follows, viz :—

*Descriptions of persons subject to the collector's authority under this regulation.*

1st. All the native servants of the collectors' public establishments.  
2nd. All head inhabitants, curmums and their gomastahs, or persons doing the duty for them, and all other village officers and servants within their respective collectorates.

3rd. All persons not on the public establishment, whether being in the private service of a collector, sub-collector, or assistant to a collector, and pretending to act under his or their authority, or whether assuming the character of public officers, or acting or pretending to act under the authority or on the behalf of revenue servants or village officers, who shall in any way interfere in the collection or disbursement of the public money, or who shall demand or receive money as public revenue, or as for revenue purposes, or shall exact or receive money or other valuable consideration under pretence of procuring some public act to be done, or some undue advantage to be given by the public officers to the persons from whom such money or other valuable consideration shall have been taken.

**S. V. First.** When persons of any of the descriptions mentioned in Clause third, Section II of this Regulation, shall be convicted before a collector, on an inquiry conducted under this regulation, of any of the offences of the 1st, 2nd, or 3rd class, specified in Clause second of that section, the collector shall have authority to sentence them to pay any sum not exceeding twice

*\* Section 2, Clause 3, enumerates the classes or description of persons in regard to whom the Collectors shall have authority to exercise the powers of summary investigation, decision and punishment.*

the amount of the money ascertained to have been extorted, unduly received, embezzled, or misappropriated.

**Second.** After a judgment has been passed by a collector for the payment of money under the foregoing clause, the person against whom such judgment has passed shall be kept in custody until that judgment shall have been satisfied, first, in the collector's catcherry, and afterwards, if necessary, in the zillah jail as hereinafter provided.

*Convicted persons to be kept in custody until the judgment has been satisfied.*

**Fourth.** When any of the before-mentioned persons shall be convicted of any of the offences of the 4th or 5th class specified in Clause second, Section II of this Regulation, the collector shall impose such fine, not exceeding 500 Arcot Rupees, as may appear reasonable, and in default of payment of such fine, he shall farther sentence the offender to imprisonment for a period not exceeding twelve months, or until the said fine shall have been paid.

**S. VIII.** In all cases where an accused or suspected person has refused or neglected to deposit security according to the collector's requisition, as provided in Section VII, and in all cases where a judgment has passed under the provisions of Clause first, Section V of this Regulation, as well as where a defaulter has failed to satisfy the public demand against him, made under the provisions of Section VI of this Regulation, it shall be competent to a collector to issue a proclamation requiring all persons holding property belonging to the defaulter to surrender the same to him within a specified period, not being less than fifteen days; after the publication of such proclamation, and after the expiration of such specified period, any person who may be convicted before the criminal judge (who is hereby empowered to take cognizance of such cases) of having fraudulently concealed or collusively received such property, shall be sentenced by him to pay a fine

*Persons convicted before the criminal judge of concealing such property, how to be punished.*

not exceeding three times the amount of the value of the property so fraudulently concealed or collusively received by such person, and to be imprisoned until such fine be paid. The criminal judge shall levy the amount of the fine by the usual process, and in the event of the full amount of the fine not being realized, shall commit the offender to confinement in the zillah jail: provided, however, that the period of confinement under this section shall in no case exceed twelve calendar months.

**S. X.** Whenever it may be necessary to sell property in satisfaction of an order or judgment of the collector under the provisions of this regulation, the sale shall be conducted by the tahsildar or other public servant to whom the collector may delegate that duty; and the rules of Sections XXI., XXII., XXV., XXVI., and XXVII. of Regulation XXVIII. of 1802, as far as they relate to the notification, publicity, and fairness of such sales, shall be adhered to by the officer conducting the sale, who, if he shall neglect to observe those rules as far as they apply, and shall knowingly permit any unfair dealing, either in the appraisement or sale of such property, shall be liable to be fined by the collector in such amount as may suffice to make good the loss sustained in consequence of the unfair practices which he may have so permitted, and in default of payment of such fine, shall be committed to the zillah jail by the collector for a period not exceeding one year, or until such fine shall have been paid.

\* XIII. *Second.* In the event of no property of a person against whom an order or judgment has been passed under this regulation being forthcoming, or not sufficient to pay the amount due by him, the collector shall forward the defaulter or offender to the zillah court, and shall at the same time furnish the Government vakeel of the said court with instructions to present a motion to the judge for his confinement, until the amount due, which shall be distinctly stated in the said motion, shall have been discharged, or until the collector shall again move the court for his release. The zillah judge shall receive such motion whether in or out of court, and shall order the confinement of the party accordingly, and the judge shall not discharge him from confinement except on his paying the full amount mentioned in the collector's motion, or on application from the collector.

**S. XVII. First.** Criminal judges are hereby authorized to take cognizance of such cases as collectors may bring before them, where any of the persons mentioned in Clause third of Section II. of this Regulation may be accused of having committed any of the offences enumerated in Clause second of the same section; and on conviction, to sentence such persons to imprisonment, in no case exceeding one year.

\* Section 13, Clause 2, provides that if no property of a person against whom order, or judgment passed is forthcoming, or not sufficient to pay amount due by him, the Collector is to forward defaulter or offender to Zillah Court, with instructions to Government Vakeel to present motion to the Judge for his confinement, and that the Judge shall thereupon order his confinement, and shall not discharge him from confinement except on his paying the full amount due or on application from Collector.

Property how to be sold in satisfaction of orders and judgments of collectors under this regulation.

In what cases defaulters or culpable persons may be committed to the zillah jail.

Criminal judges may punish persons for the offences enumerated in Clauses second, third, fourth, fifth, and sixth of Section II., of this Regulation.

*Second.* Criminal judges are likewise authorized to take cognizance of all cases where any person shall be charged with having given a bribe to any public officer or servant on the collector's establishment, or any head inhabitant, or other village officer; and on conviction, to sentence such person to pay a fine not exceeding twice the amount of the bribe proved to have been paid, and in default of payment, to suffer imprisonment for a period not exceeding one year, or until the fine be paid.

(REGULATION VIII OF 1828.)

\* III. *First.* A subordinate or assistant collector in charge of a particular division of a district shall *ex-officio* have authority to exercise within the division under his charge, all the powers granted to collectors by the regulation now in force, or that may be hereafter enacted, unless the contrary shall be expressly declared in any regulation.

Powers to be exercised *ex-officio* by a subordinate and assistant collector in charge of a particular division of a district.

† *Second.* Collectors shall have authority to delegate at their discretion, in writing, under their official signature, any of the powers granted to them by any regulation now in force, or that may be hereafter enacted, to any of their subordinates or assistants not in charge of a particular division of a district; or to any of their subordinates or assistants in charge of a particular division beyond the limits of the division under his charge.

‡ IV. *First.* Collectors are empowered at their discretion to refer for investigation to their sheristadars, and deputy sheristadars, when detached from the Hazzore entcherry, and also to their tahsildars, within their respective tahsildarries, all cases of a petty nature cognizable by themselves under Regulation IX, 1822.

\* Section 3, Clause 1, of Regulation VII of 1828, provides that a Subordinate or Assistant Collector in charge of a particular division of a district, shall *ex-officio* have authority to exercise within the division under his charge all the powers granted to Collectors, unless the contrary be expressly declared in any regulation.

† Section 3, Clause 2, of Regulation VII of 1828, provides that Collectors may delegate any powers granted to them to any of their subordinates or assistants not in charge of a particular division of a district, or to any of their subordinates or assistants in charge of a particular division beyond the limits of the division under his charge.

‡ Section 4, Clause 1, of Regulation VII of 1828, provides that Collectors may refer for investigation to their Sheristadars and Deputy Sheristadars, and also to their Tahsildars, all cases of a petty nature cognizable by themselves under Regulation IX

**Fourth.** Native officers employed under this section shall take down in writing all the evidence given before them,

Restriction on collectors passing sentence in such cases.

and shall transmit their original proceedings to the collector, who shall thereupon pass sentence, or order

further evidence to be taken if he deem it necessary; provided always that collectors shall not have authority to pass sentence against a party convicted on an inquiry by any of the native officers above mentioned, of any of the offences of the first, second, or third class specified in clause second, Section II, Regulation IX, 1822, adjudging him to pay a sum exceeding fifty rupees, or to impose a fine exceeding that amount upon a party convicted, on such an inquiry, of any of the offences of the fourth or fifth class specified in the same clause and section.

### ROAD CESS Act III of 1866 (Madras.)

*For the levy of a District Road Cess.*

\* I. It shall be lawful for the Governor in Council, by notification in the *Fort St. George Gazette*, to declare the provisions of this Act applicable to any district or to any part of any district, situated within the Presidency of Madras, and the Act shall come into force in such locality on the date fixed in such notification.

S. VII. If such landholder shall fail to furnish to the collector of the district or to such other officer as he may appoint, the list referred to in the last preceding section, within six months after requisition made in the

Penalty for failing to furnish such lists.

district gazette or otherwise, such landholder shall be liable to a fine not exceeding Rupees 50 for each day's delay until the list be furnished, or until the annual rent value of such landholder's lands shall have been fixed by the collector as provided in the next following section. Such fine shall be imposed by the collector and shall be leviable by the collector in

of 1822; and Section 4, Clause 4, of Regulation VII of 1828, provides that the proceedings of the Sheristadars, &c., upon cases so referred, shall be sent to the Collector, who shall thereupon pass sentence or order (further evidence to be taken if necessary); provided Collectors shall not have authority to pass sentence in regard to offences under 1st, 2nd, and 3rd classes specified in Clause 2nd, Section 2nd, adjudging payment of a sum exceeding Re. 50, or to impose a fine exceeding that amount upon a party convicted of offences of 4th or 5th class in the same clause and section.

Section 1 provides that it shall be lawful for the Governor in Council by notification in the *Fort St. George Gazette* to declare the provisions of this Act applicable to any district or to any part of any district situated within the Presidency of Madras, and the Act shall come into force in such locality on the date fixed in such notification.

the same manner as an arrear of land revenue, under the provisions of Act II. of 1864 (Madras), and shall be credited to the district road fund.

S. X. For the purpose of the last preceding section, the collector, or any revenue officer not below the grade of the tahsildar, shall have the powers given to civil judges under the Civil Procedure Code (Act VIII. of 1859) for the summoning of witnesses and the production of accounts and documents, and any person who shall obstruct any revenue officer when making the examination referred to therein, shall be guilty of the offence of obstructing a public servant in the discharge of his public functions as defined in Section 186 of the Indian Penal Code.

Penalty for obstructing revenue officer when making the examination required by the preceding section.

### SALT Act VI of 1871 (Madras).\*

*To enable the Government to levy a duty by way of Excise on Salt manufactured in such Districts of the Presidency of Fort Saint George as the Government may think proper.*

S. IV. In any such district or part of a district as above described, any person manufacturing, or attempting to manufacture, salt without a licence, or violating the conditions of his licence, or knowingly aiding any person in so doing, shall be punishable with imprisonment of either description, as defined in the Indian Penal Code, for a term not exceeding three months, or with fine not exceeding five hundred rupees, or with both, and in default of payment of any fine which may be imposed, shall be liable to a further period of imprisonment of either description not exceeding three months; and further, the manufacture may be suppressed, and the salt, together with all materials and implements used or intended to be used in manufacturing it, confiscated by the collector.

Penalties for manufacturing without licence and for breach of licence.

S. V. In any district or part of a district as above described, every proprietor, tenant, under-tenant, and cultivator, who owns or holds land on which there shall be any manufacture of salt not licensed under the provisions of this Act, and every servant employed by Government, or by the court of wards, or by any private proprietor upon such land, shall, within ten days after the existence of such manufacture shall have come to his knowledge, give notice of the same to an officer of the magistracy or police, or to a revenue officer of

Proprietors and others to give notice of unlicensed salt-works established on their lands.

\* This Act shall take effect in any and every such district, or part of a district, as the Government shall from time to time appoint by notification published in the *Fort St. George Gazette*.

Government in such district. If any person bound to give notice under this section shall wilfully omit or delay to give the same, he shall, for every such offence, be liable to a fine not exceeding five hundred rupees.

**S. XV.** Any person who shall evade payment of the duties imposed by this Act, or who shall remove any salt without the permits hereby rendered necessary, or who shall import salt by any route or at any port not legally sanctioned for that purpose, or who shall pass any salt imported without the proper certificates, or who shall fraudulently make, purchase, obtain, possess, sell, or weigh salt, whether such salt shall be the property of Government or not, or who shall attempt to commit any of the above acts, or who shall aid any person in such commission or attempt, shall be punishable, for every such offence, with imprisonment of either description, as defined in the Indian Penal Code, for a term not exceeding three months, or with fine not exceeding five hundred rupees, or with both; and the salt shall be liable to confiscation, together with the vehicles, boats, animals, and packages employed in its conveyance.

**S. XVIII.** Any police officer who shall vexatiously and unnecessarily enter into any house, boat, or place, without reasonable cause for him to believe that contraband salt is kept or concealed in any such house, boat, or place, or who shall vexatiously and unnecessarily seize the goods or chattels of any person on the pretence of seizing or searching for contraband salt, or who shall vexatiously and unnecessarily arrest any person, or commit any other excess in the execution of his duty, shall be liable to a fine not exceeding five hundred rupees, or to simple imprisonment for a term not exceeding six months.

### **SALTPETRE Act XXXI of 1861.**

*To regulate the manufacture of Saltpetre, and the sale of Salt educed in the refinement thereof.*

**S. VI.** If any person shall manufacture or refine saltpetre, or separate or purify any salt educed in the process of manufacturing or refining the same, without a license under this Act, or being licensed only to manufacture saltpetre, shall separate any salt, in the manufacture of, or being licensed to manufacture and refine saltpetre, shall (except as provided in the next section) allow any salt separated in the manufacture or refinement of saltpetre to be removed from the place of manufacture or refinery without the full amount of Government duty thereon being first paid, he shall be

liable to a fine of five hundred rupees, and on non-payment thereof, to imprisonment with or without hard labor for a period not exceeding six months.

### **SHIPPING (MERCHANT) Act I of 1859.**

*For the amendment of the law relating to Merchant Seamen. (Vide also 17 and 18 Vict., Chapter 104; 18 and 19 Vict., Chapter 91—25; 26 Vict., Chapter 63; and 30 and 31 Vic., Chapter 124.)*

**S. VII.** Any shipping master, deputy shipping master, or any clerk or servant in any shipping office, who demands or receives any remuneration whatever, either directly or indirectly, for hiring or supplying any seamen for merchant ship, excepting the lawful fees payable under this Act, shall, for every such offence, incur a penalty not exceeding two hundred rupees, and shall also be dismissed from his office.

**S. XIII.** No foreign-going ship or home-trade ship of a burthen exceeding three hundred tons shall go to sea from any port in India, unless the master and one officer besides the master have obtained and possess valid and appropriate certificates either of competency or service under this Act or under the Merchant Shipping Act 1854; and whoever, having been engaged to serve as master or mate, goes to sea as aforesaid as such master or mate without being at the time entitled to and possessed of such a certificate as hereinbefore required, and whoever employs any person as such master or mate without ascertaining that he is at the time entitled to and possessed of such certificate, shall for each such offence be liable to a penalty of five hundred rupees.

**S. XIX.** The following offences shall be punishable as hereinafter mentioned; (that is to say)—

(1.) If any person not licensed as aforesaid, other than the owner, or master, or mate of the ship, or some person who is *bond fide* the servant and in the constant employ of the owner, or a shipping master duly appointed as aforesaid, engages or supplies any seaman to be entered on board any ship, he shall, for each seaman so engaged or supplied, incur a penalty not exceeding one hundred rupees.

(2.) If any person employs any unlicensed person, other than persons so excepted as aforesaid, for the purpose of engaging or supplying any seaman to be entered on board any ship, he shall, for each seaman so engaged



ductions to be made therefrom on any account whatever, and in default shall, for each offence, incur a penalty not exceeding fifty rupees; and no deduction from the wages of any seaman (except in respect of any matter happening after such delivery) shall be allowed unless it is included in the account so delivered; and the master shall, during the voyage, enter the various matters in respect of which such deductions are made with the amounts of the respective deductions as they occur, in a book to be kept for that purpose, and shall, if required, produce such book at the time of the payment of wages, and also upon the hearing before any competent authority of any complaint or question relating to such payments.

**S. XLIII.** Upon the discharge of any seaman or upon payment of his wages, the master shall sign and give him a certificate of his discharge, in a form sanctioned by the local Government, specifying the period of his service and the time and place of his discharge; and if any master fails to sign and give to any such seaman such certificate of discharge, he shall, for each such offence, incur a penalty not exceeding one hundred rupees; and the master shall also, upon the discharge of any certificated mate whose certificate of competency or service has been delivered to and retained by him, return such certificate, and shall, in default, incur a penalty not exceeding two hundred rupees.

**S. XLV.** In any proceeding relating to the wages, claims, or discharge of any seaman carried on before any shipping master under the provisions of this Act, such shipping master may call upon the owner or his agent, or upon the master or any mate or other member of the crew, to produce any log-books, papers, or other documents in their respective possession or power relating to any matter in question in such proceeding, and may call before him and examine any of such persons being then at or near the place on any such matter, and every owner, agent, master, mate, or other member of the crew who, when called upon by the shipping master, does not produce any such paper or document as aforesaid, if in his possession or power, or does not appear and give evidence, shall, unless he shows some reasonable excuse for such default, for each such offence incur a penalty not exceeding fifty rupees.

**S. LXL.** If the master fails to take such charge of the money or other effects of a seaman or apprentice dying during a voyage, or to make such entries in respect thereof, or to make such payment or delivery, or to give such account as hereinbefore respectively directed, he

Master and others to produce ship's papers to shipping masters, and give evidence.

Penalties for not taking charge of or accounting for such moneys and effects.

shall be accountable for the money, wages, and effects of the seaman or apprentice to the shipping master as aforesaid, and shall pay and deliver the same accordingly; and such master shall, in addition, incur a penalty not exceeding treble the value of the money or effects, or if such value is not ascertained, not exceeding five hundred rupees. All money, wages, and effects of any seamen or apprentices dying during a voyage shall be recoverable in the same courts and by the same modes of proceeding by which seamen are hereby enabled to recover wages due to them.

**S. LXIV.** Any three or more of the crew of any ship registered at, trading with, or being at any port or place in India, may complain to any shipping master or other officer duly appointed in this behalf by the local Government, that the provisions or water for the use of the crew are at any time of bad quality, unfit for use, or deficient in quantity; and such officer may thereupon examine the said provisions or water, or cause them to be examined; and if, on examination, such provisions or water are found to be of bad quality and unfit for use, or to be deficient in quantity, the person making such examination shall signify the same in writing to the master of the ship; and if such master does not thereupon provide other proper provisions or water in lieu of any so signified to be of a bad quality and unfit for use, or does not procure the requisite quantity of any so signified to be insufficient in quantity, or uses any provisions or water which have been so signified as aforesaid to be of a bad quality and unfit for use, he shall, in every such case, incur a penalty not exceeding two hundred rupees; and upon every such examination as aforesaid, the officer making or directing the same shall enter a statement of the result of the examination in the official log, and shall send a report thereof to the shipping master, and such report, if produced out of the custody of such shipping master, shall be received in evidence in any legal proceeding.

**S. LXVII.** All foreign-going ships and all home-trade ships of a burthen exceeding three hundred tons shall have always on board a sufficient supply of medicines and appliances, suitable for diseases and accidents likely to happen on sea voyages, according to such scale as shall be from time to time issued by the local Government with the approval of the Governor General of India in Council, and published at Calcutta, Madras and Bombay in the Government gazettes, and in the Straits Settlement in such manner as the Governor shall notify, and in default thereof, the owner or master of every such ship shall be liable to a penalty not exceeding two

Medicines, &c., to be provided and kept on board certain ships.

Provided.

hundred rupees. Provided, however, that this section shall not apply to ships navigating from the United

Kingdom and coming within the provisions of Section 224 of the Merchant Shipping Act 1854.

**S. LXVIII.** Every master shall keep on board proper weights and measures for the purposes of determining the quantities of the several provisions and articles served out, and shall allow the same to be used at the time of serving out such provisions and articles in the presence of a witness whenever any dispute arises about such quantities, and in default shall, for every offence, incur a penalty not exceeding one hundred rupees.

**S. LXX. 2.**—For each lascar or native seaman or other person shipped on the same footing as a lascar, four superficial feet; and if the place allotted be under the top-gallant fore-castle, such fore-castle deck shall be not less than four feet six inches above the one below it.

**S. LXXII.** If any seaman or apprentice, whilst on board any ship, states to the master that he desires to make complaint to a magistrate against the master or any of the crew, the said master shall, if the ship is then at the place where there is a magistrate, so soon as the service of the ship will permit, and if the ship is not then at such a place, so soon after her first arrival at such a place as the service of the ship will permit, allow such seaman to go ashore, or send him ashore in proper custody, so that he may be enabled to make such complaint, and shall, in default, incur a penalty not exceeding one hundred rupees.

**S. LXXV.** If any person demands or receives from any seaman or apprentice payment in respect of his board or lodging in the house of such person for a longer period than such seaman or apprentice has actually resided or boarded therein, he shall incur a penalty not exceeding one hundred rupees.

**S. LXXVI.** If any person receives or takes into his possession or under his control any moneys, documents, or effects of any seaman or apprentice, and does not return the same or pay the value thereof when required by such seaman or apprentice, subject to such deduction as may be justly due to him from such seaman or apprentice in respect of board or lodging or otherwise, or absconds therewith, he shall incur a penalty not exceeding one hundred rupees; and any magistrate may, besides inflicting such penalty by summary order, direct the amount or value of such moneys, documents, or effects, subject to such deduction as aforesaid, to be forthwith paid to such seaman or apprentice.

**S. LXXVII.** Every person who, not being in the service of Her Majesty, and not being duly authorized by law for the purpose, goes on board any ship about to arrive at the place of her destination, before her actual arrival at the place of her discharge, without the permission of the master, shall, for every such offence, incur a penalty not exceeding two hundred rupees; and the master or person in charge of such ship may take any such person so going on board as aforesaid into custody, and deliver him up forthwith to any police officer, to be by him taken before a magistrate to be dealt with according to the provisions of this Act.

**S. LXXVIII.** If, within twenty-four hours after the arrival of any ship at any port in India, any person then being on board such ships solicits any seaman to become a lodger at the house of any person letting lodgings for hire, or takes out of such ship any effects of any seaman, except under his personal direction and with the permission of the master, he shall, for every such offence, incur a penalty not exceeding fifty rupees.

**S. LXXIX.** Any master of, or any seaman or apprentice belonging to any ship registered at, trading with, or being at any port or place in India, who by wilful breach of duty, or by neglect of duty, or by reason of drunkenness, does any act tending to the immediate loss, destruction, or serious damage of such ship, or tending immediately to endanger the life or limb of any person belonging to or on board of such ship, or who by wilful breach of duty, or by neglect of duty, or by reason of drunkenness, refuses or omits to do any lawful act proper and requisite to be done by him for preserving such ship from immediate loss, destruction, or serious damage, or for preserving any person belonging to or on board of such ship from immediate danger to life or limb, shall, for every such offence, be liable to imprisonment, with or without hard labour, for a term not exceeding two years.

**S. LXXXIII.—1.** For desertion he shall be liable to imprisonment for any period not exceeding twelve weeks, with or without hard labour, and also to forfeit all or any part of the clothes and effects he leaves on board, and all or any part of the wages or emoluments which he has then earned, and also if such desertion takes place at any port or place not in India, at the discretion of the court, to forfeit all or any part of the wages or emoluments he may earn in any other ship in which he may be employed until his next return to any port or place in India, and to satisfy any excess of wages paid by the master or

owner of the ship from which he deserts, to any substitute engaged in his place at a higher rate of wages than the rate stipulated to be paid to him.

2. For neglecting or refusing without reasonable cause to join his ship or to proceed to sea in his ship, or for absence

Neglecting or refusing to join, or to proceed to sea, absence within twenty-four hours before sailing and absence without leave.

without leave at any time within twenty-four hours of the ship sailing from any port, either at the commencement or during the progress of any voyage, or for absence at any time without leave and without sufficient reason from his ship or from his duty not amounting to desertion or not treated as such by the master, he shall be liable to imprisonment for any period not exceeding ten weeks, with or without hard labour, and also, at the discretion of the court, to forfeit out of his wages a sum not exceeding the amount of two days' pay, and in addition for every twenty-four hours of absence either a sum not exceeding six days' pay, or any expenses which have been properly incurred in hiring a substitute.

Quitting without leave before ship is secured.

3. For quitting the ship without leave after her arrival at her port of delivery and before she is placed in security, he shall be liable to forfeit out of his wages a sum not exceeding one month's pay.

Act of disobedience.

4. For wilful disobedience to any lawful command, he shall be liable to imprisonment for any period not exceeding four weeks with or without hard labour, and also, at the discretion of the court, to forfeit out of his wages a sum not exceeding two days' pay.

Continued disobedience.

5. For continued wilful disobedience to lawful commands, or continued wilful neglect of duty, he shall be liable to imprisonment for any period not exceeding twelve weeks, with or without hard labour, and also, at the discretion of the court, to forfeit for every twenty-four hours' continuance of such disobedience or neglect, either a sum not exceeding six days' pay, or any expenses which have been properly incurred in hiring a substitute.

Assault on officers.

6. For assaulting any master or mate, he shall be liable to imprisonment for any period not exceeding twelve weeks, with or without hard labour.

7. For combining with any other or others of the crew to disobey lawful commands, or neglect duty, or to impede the navigation of the ship or the progress of the voyage, he shall be liable to imprisonment for any period not exceeding twelve weeks, with or without hard labour.

8. For wilfully damaging the ship, or embezzling or wilfully damaging any of her stores or cargo, he shall be liable to forfeit out of his wages a sum equal in amount to the loss thereby sustained, and also, at the discretion of the court, to imprisonment for any period not exceeding twelve weeks, with or without hard labour.

Wilful damage and embezzlement.

9. For any act of smuggling of which he is convicted, and where-  
by loss or damage is occasioned to the master or owner, he shall be liable to pay to such master or owner such a sum as is sufficient to reimburse the master or owner for such loss or damage; and the whole or a proportionate part of his wages may be retained in satisfaction or on account of such liability, without prejudice to any further remedy.

S. XCV. If any seaman, on or before being engaged, wilfully and fraudulently makes a false statement of the name of his last ship or last alleged ship, or wilfully and fraudulently makes a false statement of his own name, he shall incur a penalty not exceeding fifty rupees, and such penalty may be deducted from any wages he may earn by virtue of such engagement as aforesaid, and shall, subject to reimbursement of the loss and expenses (if any) occasioned by any previous desertion, be paid and applied in the same manner as other penalties payable under this Act.

S. XCVI. Whenever any seaman commits an act of misconduct for which his agreement imposes a fine, and which it is intended to punish by enforcing such fine, an entry thereof shall be made in the official log-book, and a copy of such entry shall be furnished, or the same shall be read over to the offender, and an entry of such reading over, and of the reply (if any) made by the offender, shall be made, in the manner and subject to the conditions hereinbefore specified with respect to the offences against discipline specified in and punishable under this Act; and such fine shall be deducted and paid over as follows (that is to say), if the offender is discharged at any port or place in India, and the offence, and such entries in respect thereof as aforesaid, are proved, in the case of a foreign-going ship, to the satisfaction of the shipping master before whom the offender is discharged, and in the case of a home-trade ship to the satisfaction of the shipping master at or nearest to the place at which the crew is discharged, the master or owner shall deduct such fine from the wages of the offender, and pay the same over to such shipping master; and if before the final discharge of the crew in India, any such offender as aforesaid enters into any of Her Majesty's ships, or is dis-

Penalty for false statement as to last ship or name.

Fines to be deducted from wages and paid to shipping master.

charged at any place not in India, and the offence and such entries as aforesaid are proved to the satisfaction of the officer in command of the ship into which he so enters, or of the consular officer, officer of customs, or other person by whose sanction he is so discharged, the fine shall thereupon be deducted as aforesaid, and an entry of such deduction shall then be made in the official log-book (if any), and signed by such officer or other person; and on the return of the ship to India, the master or owner shall pay over such fine, in the case of foreign-going ships, to the shipping master before whom the crew is discharged, and in the case of home-trade ships, to the shipping master at or nearest to the place at which the crew is discharged; and if any master or owner neglects or refuses to pay over any such fine in manner aforesaid, he shall, for each such offence, incur a penalty not exceeding six times the amount of the fine retained by him; provided that no act of misconduct for which any such fine as aforesaid has been inflicted and paid shall be otherwise punished under the provisions of this Act.

**S. XCVII.** Every person who by any means whatever persuades or attempts to persuade any seaman or apprentice to neglect, or refuse to join, or to proceed to sea in, or to desert from the ship, or otherwise to absent himself from his duty, shall, for each such offence, in respect of each such seaman or apprentice, incur a penalty not exceeding one hundred rupees; and every person who wilfully harbours or secretes any seaman or apprentice who has deserted from his ship, or who has wilfully neglected or refused to join, or has deserted from his ship, knowing or having reason to believe such seaman or apprentice to have so done, shall, for every such seaman or apprentice so harboured or secreted, incur a penalty not exceeding one hundred rupees.

**S. XCVIII.** Any person who secretes himself and goes to sea in any ship without the consent of either the owner, consignee, or master, or of a mate, or of any person in charge of such ship, or of any other person entitled to give such consent, shall incur a penalty not exceeding two hundred rupees, or be liable to imprisonment, with or without hard labour, for any period not exceeding four weeks.

**S. XCIX.** If, during the progress of a voyage, the master of any ship registered at any port or place in India is superseded, or for any other reason quits the ship and is succeeded in the command by some other person, he shall deliver to his successor the various documents relating to the navigation of the ship and to the crew

Penalty for enticing to desert and harbouring deserters.

Penalty for obtaining passage surreptitiously.

On change of masters, documents hereby required to be handed over to successor.

thereof which are in his custody; and shall, in default, incur a penalty not exceeding one thousand rupees; and such successor shall, immediately on assuming the command of the ship, enter in the official log a list of the documents so delivered to him.

**S. CVII.** The following offences in respect of official log-books shall be punishable as is hereinafter mentioned, (that is to say) —

1.—If in any case an official log-book is not kept in the manner hereby required, or if any entry hereby directed to be made in any such log-book is not made at the time and in the manner hereby directed, the master shall, for each such offence, incur the specific penalty herein mentioned in respect thereof, or where there is no such specific penalty, a penalty not exceeding fifty rupees.

2.—Every person who makes or procures to be made, or assists in making any entry in an official log-book, in respect of any occurrence happening previously to the arrival of the ship at her final port of discharge in India, more than twenty-four hours after such arrival, shall, for each such offence, incur a penalty not exceeding three hundred rupees.

3.—Every person who wilfully destroys, or mutilates, or renders illegible any entry in any official log-book, or who wilfully makes or procures to be made, or assists in making any false or fraudulent entry or omission in any such log-book, shall, for each such offence, be liable to imprisonment, with or without hard labour, for a term not exceeding one year.

**S. CIX.** The master of every foreign-going ship shall, within forty-eight hours after the ship's arrival at her final port of destination in India, or upon the discharge of the crew, whichever first happens, deliver to the shipping master before whom the crew is discharged the official log-book of the voyage: and the master or owner of every home-trade ship of a burthen exceeding three hundred tons shall, within twenty-one days after the thirtieth day of June and the thirty-first day of December in every year, transmit or deliver to some shipping master in India, the official log-book for the preceding half year; and every master or owner who refuses or neglects to deliver his official log-book as hereby required, shall be subject to a penalty not exceeding two hundred rupees.

**S. CX.** If any ship ceases, by reason of transfer of ownership or change of employment, to fall within the operation of Section 103 of this Act, the master or owner thereof shall, if such ship is then in any port in India, within one month, and if she is elsewhere, within

Official logs to be delivered to shipping master.

Official logs to be sent home in case of transfer of ship, and in case of loss.



six months, deliver or transmit to the shipping master at the port to which the ship belonged, the official log-book duly made out to the time at which she ceased to be within such operation, and in default shall, for each offence, incur a penalty not exceeding one hundred rupees; and if any ship is lost or abandoned, the master or owner thereof shall, if practicable, and as soon as possible, deliver or transmit to the shipping master at the port to which the ship belonged, the official log-book (if any), duly made out to the time of such loss or abandonment, and in default shall, for each offence, incur a penalty not exceeding one hundred rupees.

### SHIPPING (MERCHANT) Act IV of 1875.

*For the further amendment of Act No. 1 of 1859, and for other purposes.*

Notice of accidents to be given to local Government.

S. III. In any of the cases following (namely) :—

(a.) whenever any ship is lost, abandoned, or materially damaged on or near the coasts of India;

(b.) whenever any ship causes loss or material damage to any other ship on or near such coasts;

(c.) whenever by reason of any casualty happening to or on board of any ship on or near such coasts, loss of life ensues;

(d.) whenever any such loss, abandonment, damage or casualty happens elsewhere to or on board any ship registered at any port or place in India, under the Merchant Shipping Act, 1854, or under Act X of 1841;

the master, pilot, harbour-master, or other person in charge of the ship, or, in cases under Clause (b) of this section, of each ship, at the time of the loss, abandonment, damage or casualty, or, where any ship above referred to arrives in British India, the person then in charge of her shall, on arriving in British India, give immediate notice of such loss, abandonment, damage or casualty to the nearest magistrate, or, if he arrive at any port, then to such officer as the local Government appoints in this behalf.

Any person bound to give notice under this section, and wilfully failing to give the same, shall be liable to fine not exceeding five hundred rupees, and, in default of payment, to simple imprisonment for a term which may extend to three months.

The magistrate or officer receiving such notice shall, without delay, communicate the same to the local Government.

S. XIX. Every master, mate, or engineer, whose certificate is cancelled or suspended under this chapter, shall deliver it to the shipping master, or to such other person as the local Government which cancelled or suspended the certificate directs, and in default shall, for each offence, incur a penalty not exceeding five hundred rupees.

### SHIPS' (REGISTRATION OF) Act X of 1841.

*For prescribing Rules to be observed in order that Ships or Vessels belonging to Ports within the Territories under the Government of the East India Company, or belonging to Native Princes or States, or their subjects, may become entitled to the privileges of British Ships under a Proclamation of the Governor-General made in pursuance of the Statute 3rd and 4th Victoria, Chapter 56.*

S. II. And it is hereby enacted that the ports at which registration shall be made shall be the ports of Calcutta, Madras, Bombay, Singapore, and such other places subordinate to the local Governments of India, as such Governments respectively may, from time to time, declare to be registering ports under this Act. Provided that ships or vessels built at any place other than any of such ports, shall be allowed to make their first voyage to any of such ports, being the ports at which it is intended they shall be registered, under a certificate to be granted by the principal British officer at the place where the ship is built, or if there be no British officer in authority there, then by three merchants of such place, which certificate shall contain all the particulars with regard to the ownership and description of the ships or vessels contained in a certificate of registry, and shall specify the ports at which it is intended that they shall respectively be registered, and which certificate shall have all the effect of a certificate of registry under this Act during the first voyage from the place of building to the ports at which the ships or vessels respectively shall be afterwards registered. Provided that such ships or vessels so proceeding on their first voyage as aforesaid, shall be deemed British ships only whilst duly prosecuting such first voyage for the purpose of registry; and if they be not registered within a reasonable time after their arrival at the port of registry, the owner or owners, or master or other person, having or taking the command or charge of such ship or vessel, shall be liable, on information in any court of Her Majesty or the East India Company, by the advocates-general of the respective presidencies, to a penalty not exceeding 5,000 rupees.

**S. XV.** And it is hereby enacted that if such certificate as aforesaid shall be sold, lent, or otherwise disposed of to

Equivalent use of  
certificate.

any person or persons whatever than those for whose use it is granted, or shall be made use of for the service of any other ship or vessel than the ship or vessel for which it is granted, such certificate shall thenceforth be utterly void, and the master or any owner of the ship or vessel who shall be proved to have sold, lent, or disposed of such certificate, or made use of the same as aforesaid, or shall have concurred in or been privy to the committing any such offence, shall be liable, upon conviction by information as aforesaid, to a penalty not exceeding 10,000 rupees. And in case such ship or vessel shall be lost or taken by the enemy, burnt, or broken up, or otherwise prevented from returning to the port at which she is registered, or shall on any account have lost and forfeited the privileges of a British ship, or shall have been seized and legally condemned for illicit trading, or shall have been taken in execution for debt and sold by due process of law, or shall have been sold to the Crown or the East India Company, or shall under any circumstances have been registered *de novo*, the certificate, if preserved, shall be delivered up, within one month after the arrival of the master in any port or place in the territories of the East India Company, to the registering officer at such port, in default whereof the master or any of the owners shall be liable, on conviction by information as aforesaid, in a penalty not exceeding 5,000 rupees. And if any person, not being such subject as aforesaid, shall purchase or otherwise become entitled to the whole, or to any part or share of or any interest in such ship or vessel, and the same shall be within the limits of any port of the territories of the East India Company, then and in such case the certificate of registry shall, within seven days after such purchase or transfer of property in such ship or vessel, be delivered up to the registering officer at such port, and if such ship or vessel shall be in any place not within the territories of the East India Company, when such purchase or transfer of property shall take place, then the certificate shall be delivered up, within fourteen days after the arrival of such ship or vessel, or the master thereof, in any port of the territories of the East India Company, to the registering officer at such port, in default whereof the master or any of the owners shall be liable, on conviction before any justice of the peace, in a penalty not exceeding 5,000 rupees, recoverable in manner provided by Act No. II. of 1839.

**S. XVI.** And it is hereby enacted that when and so often as the

Change of master.

master of any ship or vessel registered in manner hereinbefore directed shall be changed, the master or owner of such ship or vessel shall deliver to the person or persons hereinbefore authorized to make such registry, and grant such certificates of re-

gistry at the port where such change shall take place, if it be a port within the territories of the East India Company, the certificate of registry belonging to such ship or vessel, who shall thereupon indorse and subscribe a memorandum of such change, and shall forthwith give notice of the same to the proper officer of the port or place where such ship or vessel was last registered pursuant to this Act, who shall likewise make a memorandum of the same in the book of registers, which is hereby directed and required to be kept, and shall forthwith give notice thereof in like manner as of the original entry. But if the change do not take place in any port within the territories of the East India Company, then such delivery, memorandum and indorsement shall be made, and notice given at the first port within the territories of the East India Company at which the new master shall arrive after such change. In default of which delivery of the certificates, such new master or any of the owners shall be liable, on conviction before a justice of the peace, to a penalty not exceeding 5,000 rupees, recoverable as aforesaid.

**S. XVII.** And it is hereby enacted that it shall be lawful for any

owner or owners of any ship or vessel, to give any name to such ship or vessel, other than that by which she was first registered in pursuance of this Act, and that the owner or owners of all and every ship or vessel which shall be so registered shall, before such ship or vessel after such registry, shall begin to take in any cargo, paint or cause to be painted, in white or yellow letters of a length of not less than four inches, upon a black ground, on some conspicuous part of the stern, the name by which such ship or vessel shall have been registered pursuant to this Act, and the port to which she belongs, in a distinct and legible manner, and shall so keep and preserve the same; and that if such owner or owners, or master or other person having or taking the charge or command of such ship or vessel, shall permit such ship or vessel to begin to take in cargo before the name of such ship or vessel has been so painted as aforesaid, or shall wilfully alter, erase, obliterate, or in anywise hide or conceal, or cause or procure or permit the same to be done, or shall in any written or printed paper, or other document, describe such ship or vessel by any name other than that by which she was first registered pursuant to this Act, or shall verbally describe, or cause, or procure, or permit such ship or vessel to be described by any other name to any officer or officers of revenue in the due execution of his or their duty, then, and in every such case, the certificate of registry shall thenceforth become utterly void, and such owner or owners, or master or other person, having or taking the charge or command of such ship or vessel, shall be liable, on information as aforesaid, to a penalty not exceeding 10,000 rupees.

**S. XIX.** And it is hereby enacted that if the certificate of registry of any ship or vessel shall be lost or mislaid, so that the same cannot be found or obtained for the use of such ship or vessel when needful, and proof thereof shall be made to the satisfaction of the registering officer of the port at which the ship is registered, such officer shall and may, where the certificate shall have been lost or mislaid, permit such ship or vessel to be registered *de novo*, and a certificate thereof to be granted. Provided always that if such ship or vessel be absent and far distant from the port to which she belongs, or by reason of the absence of the owner or owners, or of any other impediment, registry of the same cannot then be made in sufficient time, such registering officer shall, and may grant a licence for the present use of such ship or vessel, which licence shall, for the time and to the extent specified therein, and no longer, be of the same force and virtue as a certificate of registry granted under this Act. Provided always that if the certificate of registry shall at any time afterwards be found, the same shall be forthwith delivered to the proper officers of customs to be cancelled, and that no illegal use be made of the same; in default whereof, the original certificate and the renewed certificate and licence shall thenceforth become utterly void, and any person wilfully detaining the certificate so required to be cancelled, or making any illegal use thereof, shall be liable, on conviction before any justice, in a penalty not exceeding 5,000 rupees, recoverable as aforesaid.

**S. XX.** And whereas it is not proper that any person under any pretence whatever should detain the certificate of registry of any ship or vessel, or hold the same for any purpose other than the lawful use and navigation of the ship or vessel for which it was granted, it is therefore hereby enacted, that in case any person who shall have received or obtained by any means or for any purpose whatever the certificate of the registry of any such ship or vessel (whether such person shall claim to be the master, or to be the owner, or one of the owners of such ship or vessel, or not), shall wilfully detain and refuse to deliver up the same to the proper officers of customs, for the purposes of such ship or vessel, as occasion shall require, or to the person or persons having the actual command, possession and management of such ship or vessel as the ostensible and reputed master, or as the ostensible and reputed owner or owners thereof, it may and shall be lawful to and for any such last-mentioned person to make complaint on oath of such detainer and refusal to any justice of the peace residing near to the place where such detainer and refusal shall be, and on such complaint the said justice shall and is hereby required, by warrant under his

Certificate lost or mislaid.

Detention of certificate.

hand and seal, to cause the person so complained against to be brought before him to be examined touching such detainer and refusal; and if it shall appear to the said justice, on examination of such person or otherwise, that the said certificate of registry is not lost or mislaid, but is wilfully detained by the said person, such person shall be subject, on conviction before such justice, to a penalty not exceeding 1,000 rupees, recoverable as aforesaid; and the said justice shall, and he is hereby required to certify the aforesaid detainer, refusal, and conviction to the person or persons who granted such certificate of registry for such ship or vessel, who shall, on the terms and conditions of law being complied with, make registry of such ship or vessel *de novo*, and grant a certificate thereof conformably to law, notifying on the back of such certificate the ground upon which the ship or vessel was so registered *de novo*; and if the person who shall have detained and refused to deliver up such certificate of registry as aforesaid, or shall be verily believed to have detained the same, shall have absconded so that the said warrant of the justice cannot be executed upon him, and proof thereof shall be made to the satisfaction of the registering officer of the port at which the ship or vessel was registered, it shall be lawful for the said officer to permit such ship or vessel to be registered *de novo*, or otherwise, in his discretion, to grant a licence for the present use of such ship or vessel, in like manner as is hereinbefore provided in the case wherein the certificate of registry is lost or mislaid.

**S. XXI.** And it is hereby enacted, that if any ship or vessel, after she shall have been registered pursuant to the directions of this Act, shall in any manner whatever be altered so as not to correspond with all the particulars contained in the certificate of her registry, or if any alteration shall take place in the ownership of any ship or vessel, or of any share or shares thereof, in such cases such ship or vessel shall be registered *de novo*, in manner hereinbefore required, as soon as she returns to the port to which she belongs, or to any other port within the territories of the East India Company; on failure whereof such ship or vessel shall be deemed to be a ship or vessel not duly registered; and any person making use of a certificate for the purposes of any ship or vessel which has been granted in respect of the same, after the same ought to have been registered *de novo*, he shall be liable, on conviction before any justice, to a penalty not exceeding 5,000 rupees, recoverable as aforesaid.

**S. XXIII.** And it is hereby enacted, that if any person or persons shall falsely make declaration to any of the matters hereinbefore required to be verified by declaration—or if any person or persons shall counterfeit, erase, alter, or falsify any certificate or other instrument in writing

False declaration.

Falsifying documents.

required or directed to be obtained, granted, or produced by this Act—or shall knowingly or wilfully make use of any certificate or other instrument so counterfeited, erased, altered, or falsified—or shall wilfully grant such certificate or other instrument in writing knowing it to be false, such person or persons shall for every such offence be liable, on conviction upon information as aforesaid, to a penalty not exceeding 10,000 rupees. And if any such offence be committed by the owner of any ship or vessel, the certificate of such ship or vessel shall thenceforth be wholly void.

### SHIPS' (OVERCROWDING OF) Act XXV of 1859.

*To prevent the overcrowding of Vessels carrying Native Passengers in the Bay of Bengal. (Vide also Madras Act II of 1862.)*

**S. III.** The master or tindal of any vessel which shall carry native passengers on any such voyage as aforesaid without a licence, in a proportion exceeding that laid down in Section 1, shall be liable to a fine not exceeding twenty rupees for each passenger in excess of such proportion.

**S. IV.** The master or tindal of any licensed vessel which shall carry on any such voyage a greater number of passengers than is specified in the licence, or in which the accommodation therein required shall not be afforded, shall be liable to a fine not exceeding twenty rupees for each passenger in excess of such number, or for each passenger who is not provided with accommodation agreeable to the licence.

**S. V.** Passengers in a greater number than one passenger to every four tons of the burthen of any vessel, shall not be shipped from the territories under the Government of Fort St. George or from the Province of Orissa, for Ceylon or the eastern coast of the Bay of Bengal, or the Straits of Malacca; or from the eastern coast of the Bay of Bengal or the Straits of Malacca, for the said territories or province or for Chittagong, except from such ports as shall be from time to time appointed by the local Government by an order published in the Government Gazette, and in the Straits Settlement in such manner as the Governor shall notify; and the master or tindal of any vessel who shall take on board passengers for such voyage from any other port or place in a greater proportion to the burthen of the vessel than is abovementioned, shall be liable to a fine not exceeding twenty rupees for each passenger embarked.

**S. VII.** The master or tindal of any vessel licensed to carry passengers from any port in the territories under the Government of Fort St. George, or from Chittagong, or from any port in the province of Orissa, to any port or place on the eastern coast of the Bay of Bengal or the Straits of Malacca; or from any port on the eastern coast of the Bay of Bengal or the Straits of Malacca to any port or place in the territories under the Government of Fort St. George, or to Chittagong, or to any port in the province of Orissa; which shall proceed in such voyage not being furnished with provisions and water according to such scale as shall be laid down from time to time by an order of the local Government published in the Government Gazette, and in the Straits Settlement in such manner as the Governor shall notify, shall be liable to a fine not exceeding twenty rupees for each passenger in excess of the number fully supplied with provisions and water according to such scale.

**S. VIII.** The master or tindal of any vessel licensed to carry passengers as aforesaid, who shall wilfully and without satisfactory excuse omit to supply to every passenger the prescribed allowance of food and water, shall be liable for such omission to a fine which may extend to twenty rupees for every passenger who has suffered privation thereby.

**S. IX.** The master or tindal of any vessel licensed to carry passengers from any port under the Government of Fort St. George to Ceylon, or between Chittagong and any port or place on the coast of Arracan, who shall proceed on any such voyage without having laid in a supply of water and provisions for the passengers according to a scale to be fixed by the collector of sea customs for such port, or such other person as the local Government may from time to time appoint for the purpose, which shall be hung up at the custom house of the port, shall be liable to a fine not exceeding one hundred rupees.

**S. XI.** If any vessel, bringing native passengers into any port or place whatsoever on the eastern coast of the Bay of Bengal or in the Straits of Malacca, from any foreign European settlement situate on the line of coast within the limits of the Presidency of Fort St. George, shall have on board a greater number of passengers than in the proportion prescribed in Section 1 of this Act, the master or tindal of such vessel shall be liable to a penalty of twenty rupees for each passenger in excess of such pro-

*Certain licensed passenger vessels to carry provisions according to appointed scale.*

*Penalty for omitting to supply passengers with prescribed allowance of food and water.*

*Supply of provisions on board passenger ships plying to and from Ceylon.*

*Penalty for bringing native passengers into any port on the eastern coast of the Bay of Bengal from any foreign European settlement in excess of authorised proportion.*



In case the master fail to obtain any such fresh certificate, or to make any such list of additional passengers, he shall be liable to a fine not exceeding five hundred rupees, or to imprisonment for a term not exceeding three months, or to both.

**S. XVI.** If any master of a ship, after having obtained a certificate under Section 6 or Section 15 of this Act, shall fraudulently do or suffer to be done any act or thing whereby such certificate shall become inapplicable to the altered state of the ship, its passengers, or other matters to which such certificate relates, he shall be liable to a fine not exceeding two thousand rupees, or to imprisonment not exceeding six months, or to both.

**S. XXIII.** If any ship bringing passengers from any port or place east of the Cape of Good Hope and not within British India or the said dominions, to any port or place within British India or the said dominions, shall have on board a greater number of passengers or persons than in the proportion prescribed by this Act, the master of such ship shall, in addition to any other penalty which he may have incurred under the provisions of this Act, be liable, on conviction, for each person in excess of such proportion, to a fine not exceeding fifty rupees, or to imprisonment not exceeding one month, or to both.

**S. XXV.** Every ship carrying more than thirty passengers being natives of Asia or Africa, and sailing from any port east of the Cape of Good Hope to any port in the Red Sea,

or sailing from any port in the Red Sea to any port east of the Cape of Good Hope,

shall touch at Aden, and shall not leave that port without having obtained from the proper authority a clean bill of health.

Every master of a ship offending under this section, shall, for every such offence, be liable to a fine not exceeding two thousand rupees, or to imprisonment not exceeding six months, or to both.

**S. XXIX.** The owner or master of any such steam vessel shall put up in a conspicuous part of the ship, so as to be visible to persons on board the same, a copy of the said certificate, and shall cause it to be continued in such position so long as the certificate remains in force; and in default, such owner or master shall, for each offence, be liable

Penalty for fraudulent alteration in ship after certificate obtained.

Penalty on ships bringing excessive number of passengers from certain foreign ports to Indian ports.

Ships sailing to or from a port in Red Sea to touch at Aden.

Copy of certificate to be placed in conspicuous part of ship.

to a fine not exceeding two hundred rupees, or to imprisonment for any term not exceeding a month, or to both.

**S. XXX.** If such steam vessel has on board thereof any number of passengers which, having regard to the time of the year and other circumstances, is greater than the number allowed by the certificate, the owner or master shall, for every passenger over and above the number allowed by the certificate, be liable to a fine not exceeding twenty rupees, or to imprisonment not exceeding one week, or to both.

**S. XXXIII.** If any native passenger in any ship shall be landed at any port or place other than the port or place at which he may have contracted to land, unless with his previous consent, or unless such landing is made necessary by perils of the sea or other unavoidable accident, the master shall, for each offence, be liable to a penalty not exceeding two hundred rupees, or to imprisonment for any term not exceeding a month, or to both.

Penalty on landing passenger at a place other than that at which he has contracted to land.

## **SOLDIERS, EUROPEAN (DESERTION BY) Act XI of 1856.**

*For the better prevention of Desertion by European Soldiers from the Land Forces of Her Majesty in India.*

**S. 1.** If it shall appear that any officer or soldier, being a deserter from the said forces, has been concealed on board any merchant vessel, and that the master or person in charge of such vessel for the time being, though ignorant of the fact of such concealment, might have known of the same but for some neglect of his duty as such master or person, or for the want of proper discipline on board his vessel, such master or person shall be liable to a fine not exceeding five hundred rupees. Provided always that no conviction for such offence as is hereinafter described shall be lawful, unless the same shall be stated in the charge which the party is called upon to answer; and in such charge, it shall be lawful to state in the alternative, that the party has either knowingly harboured or concealed a deserter on board his vessel, or has, by neglect of duty or by reason of the want of proper discipline on board the vessel, allowed such deserter to be so concealed.

Penalty on master in certain cases if a deserter be concealed on board his ship.

Proviso.

Charge may be in the alternative.

**TELEGRAPHS' Act I of 1876.**

*For regulating the establishment and management of Electric Telegraphs in India.*

**S. X.** Whoever, otherwise than under a licence duly granted as aforesaid, establishes, or after revocation of such licence, maintains, a line of telegraph with British India, shall be liable to a fine not exceeding one thousand rupees, and for every week during which such line shall be maintained, shall be liable to a further fine not exceeding five hundred rupees.

**S. XI.** Whoever, knowing or having reason to believe that a telegraph has been established or is maintained in contravention of this Act, uses such telegraph for the purpose of sending or receiving messages, or performs any service incidental thereto, shall, for every such offence, be liable to a fine not exceeding fifty rupees.

**S. XII.** Every railway company and every officer of a railway company, neglecting or refusing to comply with the provisions of Section 6 shall be liable to a fine not exceeding one thousand rupees for every day during which such neglect or refusal continues.

**S. XIII.** Whoever, without permission of some competent authority, enters the signal-room of a telegraph office of the Government, or of a company or person licensed under this Act,

and whoever enters a fenced enclosure round such a telegraph office in contravention of any rule or notice not to do so,

and whoever refuses to quit such room or enclosure on being requested to do so by any officer or servant employed therein,

and whoever wilfully obstructs or impedes any such officer or servant in the performance of his duty,

shall be liable to a fine not exceeding five hundred rupees.

**S. XIV.** Whoever does any of the acts mentioned in Section 13 with the intention of unlawfully learning the contents of any message, or for any other unlawful purpose, shall (in addition to the fine to which he is liable under Section 13) be liable to imprisonment for a term which may extend to a year.

*For damaging, &c., telegraphs with intent*

*to prevent transmission.*

*to tap,*

*to commit mischief.*

**S. XV.** Whoever, intending—

(a) to prevent or obstruct the transmission, conveyance, or delivery of any message,

(b) to intercept or to acquaint himself with the contents of any message, or

(c) to commit mischief,

damages, removes, tampers with, or touches any battery, machinery, wire, cable, post or other thing whatever, being part of or used in or about any telegraph or in the working thereof,

shall be liable to imprisonment for a term which may extend to three years, or to fine, or to both.

*Such offences to be cognizable and non-bailable.*

All offences under this section shall be cognizable and non-bailable within the meaning of the Code of Criminal Procedure.

**S. XVII.** Any telegraph officer, who

wilfully or otherwise than by the official order of a secretary to the Government of India or to the local Government,

*For intercepting or divulging messages.*

or of such other officer as the Governor-General in Council authorizes to give such order, intercepts any

message or any part thereof, or divulges any message, or the purport of any message or of any part thereof, to any person not entitled to receive the same, or

*For divulging purport of signals.*

divulges the purport of any telegraphic signal to any person not entitled to become acquainted with the same,

shall be liable to imprisonment for a term not exceeding three years, or to fine, or to both.

\* **XVIII.** Every telegraph officer shall be deemed a public servant within the meaning of Sections 161, 162, 163, 164 and 165 of the Indian Penal Code. And in the definition of "legal remuneration" contained in the said Section 161, the word "Government" shall, for the purposes of this Act, be deemed to include a person or company licensed under this Act.

\* Section 18 prescribes that every Telegraph Officer shall be deemed a public servant within the meaning of Sections 161 to 165 of the Penal Code; and in the definition of "legal remuneration" contained in the said Section 161, the word "Government" shall, for the purpose of this Act, be deemed to include a person or company licensed under this Act.

mitted so to do by the Secretary of State for India, shall, for every such offence, be punishable, whether he be or be not an European British subject, on conviction before a magistrate, with rigorous imprisonment for a term which may extend to two years.

**S. XXIII.** Any person of European extraction found asking for alms when he has sufficient means of subsistence,

or asking for alms in a threatening or insolent manner, or continuing to ask for alms of any person after he has been required to desist,

shall be punishable, whether he be or be not an European British subject, on conviction before a magistrate, with rigorous imprisonment for a term not exceeding one month for the first offence, two months for the second, and three months for any subsequent offence.

**S. XXV.** Every master of a ship landing or allowing to land in any part of British India any person of European extraction who has been convicted in any other part of Her Majesty's dominions of felony, or of an offence which, if committed in England, would be felony, shall, on conviction before a magistrate, be liable, for every such person so landed or allowed to land, to pay a fine not exceeding five hundred rupees and not less than one hundred rupees; in default of payment, to imprisonment for any term not exceeding two months,

unless the defendant satisfy the magistrate by evidence (which the defendant is hereby declared competent to give), that he had made due inquiry as to the person so landed, or allowed to land, and that he had no reason to believe that such person had been convicted as aforesaid.

The Governor-General in Council may from time to time, by notification in the *Gazette of India*, exempt from the operation of the former part of this section the masters of any class of ships, on such terms as to the Governor-General in Council seem fit, and either in respect of all or of any of the persons on board such ships.

The Governor-General in Council may, in like manner, revoke any exemption made under this section.

\* XXVI. All fines imposed under this Act may be recovered, if for offences committed outside the local limits of the towns of Calcutta, Madras, and Bombay, in the manner prescribed by the Code of Criminal Procedure, and if for offences

Recovery of fines.

\* Section 26 prescribes the procedure for recovery of fines imposed under this Act.

committed within those limits, in the manner prescribed by any Act regulating the police of such towns in force for the time being.

All fines recovered under this Act shall be paid to the credit of the Government of India, or as the Governor-General in Council from time to time directs.

## VILLAGE SERVICE CESS Act IV of 1864 (Madras.)

*For the levy of a Cess in lieu of Village Service Fees.*

**S. VI.** After this Act shall have been extended to any district or part of a district, it shall be unlawful for any person on any pretext to demand, collect, or receive in any such district or part of a district, any fee, contribution, or allowance as being customarily due and payable on account of the maintenance of the village

servants employed on revenue or police duties, except as expressly provided and authorized by this Act. If any fee, contribution, or allowance be unlawfully collected or received by means of deception or intimidation, the offence shall be punishable under the sections of the Indian

Penal Code for cheating or extortion, as the case may be. In all other cases of such illegal demand, collection, or receipt, the offender shall, on conviction before a magistrate, be punishable by fine not exceeding 100 Rupees, recoverable by distraint, and commutable, if not paid, to imprisonment of either description not exceeding four months.

\* XI. This Act shall take effect only within such districts or parts of districts of the Madras Presidency, and from such dates in each of the same, as the local Government shall direct by notification in the *Fort St. George Gazette*.

Application of Act to be notified.

## VOLUNTEER CORPS' Act XX of 1859.

*To provide for the good order and discipline of Volunteer Corps, and to invest them with certain powers.*

**S. XXI.** Whoever assaults or resists, or abets within the meaning of the Indian Penal Code, any person in assaulting or resisting any member of such corps in the discharge of his duty, shall be punishable, on conviction before a magistrate, with fine not exceeding two hundred rupees, or with imprisonment for any term not exceeding six months, or with both.

Penalty for assaulting or resisting volunteers in discharge of their duty.

\* This Act shall take effect only within such districts and from such dates as the Local Government shall direct by notification in the *Fort Saint George Gazette*. (Vide Section 11.)

\* XXII. In default of payment of any fine imposed by a court-martial under this Act, a copy of the sentence of the court-martial imposing the fine, signed by the president of such court, may be sent to a magistrate in the presidency town or the district in which the fine shall have been imposed, who shall thereupon cause the fine to be recovered as if he had himself imposed it.

## WEIGHTS AND MEASURES OF CAPACITY Act XXXI of 1871.

*To regulate the Weights and Measures of Capacity of British India.*

S. XVI. Whoever knowingly counterfeits any mark used by a warden under Section 14, shall be punished with imprisonment for a term which may extend to three years, and shall also be liable to fine.

\* Section 22 prescribes the mode of procedure for recovery of fines imposed under Section 21 of this Act.

## SCHEDULE OF LOCAL AND SPECIAL LAWS.

THE entries in the second and sixth columns are not intended as definitions of the offences and punishments described, but merely as references to the subject of the section, the number of which is given in the first column.

The term "liable or not," in column 5, is to be taken in conjunction with the provisions of Sections 988 and 989 of the Criminal Procedure Code.

3. Offences may be tried by a Court superior to the Court specifically mentioned in column 7. For example—a Court of Session may try an offence entered in column 7 as triable by a Magistrate.

4. The words "Any Magistrate," as used in column 7 shall include any Magistrate of the first, second, or third class.

5. The direction in column 4 is meant to indicate to the Magistrate in the manner in which the discretion vested in them by Sections 148, 149 and 150 of the Criminal Procedure Code is to be exercised.

6. In all Acts made by the Governor-General of India in Council after Act I of 1858 came into operation, "imprisonment" means imprisonment of either description as defined in the Indian Penal Code.

**ADKARRY Act III of 1894 (Madras).—For amending the Adkarry Laws of the Madras Presidency beyond the limits of the Madras Adkarry as prescribed by Act XIX of 1852.**

1	2	3	4	5	6	7
Section.	Offence.	Whether the Police may arrest without warrant or not.	Whether the Police may arrest directly issue in the first instance.	Whether bailable or not.	Punishment according to Law.	By what Court triable.
18	Penalty of conditions in license for distillation of spirits by the European Process.	Shall not arrest without warrant.	Summons.	Bailable.	Forfeiture of license and fine not exceeding Rs. 1,000.	Any Magistrate.
19	Permitting disorderly conduct in place for sale of liquor, or mixing intoxicating ingredients with liquor, or keeping or offering mixed liquor for sale.	do	do	do	Forfeiture of license and fine not exceeding Rs. 200.	do



## SCHEDULE OF LOCAL AND SPECIAL LAWS.

1	2	3	4	5	6	7
Section.	Offence.	Whether the Police may arrest without warrant or not.	Whether a warrant or a summons may be issued in the first instance.	Whether bail-able or not.	Punishment according to Law.	By what Court triable.
9	Having possession of arms, &c., without permission of Government.	Shall not arrest without warrant.	Summons.	Bailable.	Fine not exceeding Rs. 500 and in default of payment imprisonment (rigorous or simple) not exceeding 1 year.	Magistrate of Ist Class.
10	Manufacturing, repairing or dealing in arms and ammunition, without licence.	do	do	do	Fine not exceeding Rs. 500* or imprisonment (rigorous or simple) for 2 years or both. And arms, &c., belonging to offender shall be liable to be confiscated.	do
11	Omission to affix a bond at shop or place of business as to grant of license to manufacture or deal in arms, &c.	do	do	do	Fine not exceeding Rs. 100.	Do, but case may be referred to Magistrate of 2nd or 3rd Class (Vide Sec. 37).
12	Affixing a board relating to sale, &c., of arms without licence.	do	do	do	do	do
13	Knowingly purchasing arms or ammunition from an unlicensed person.	do	do	do	do	do
14	Failure to keep book containing particulars of stock in trade and sales of arms, &c., or preventing or obstructing inspection of such book or making false entries therein.	do	do	do	Fine not exceeding Rs. 500 in addition to twice the value of omitted articles.	do

## SCHEDULE OF LOCAL AND SPECIAL LAWS.

15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34
	Intentionally concealing stock in trade or refusing to point it out to an Officer duly authorized.	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do
	Importing or attempting or assisting to import arms or ammunition into the country or knowingly concealing to conceal arms or ammunition imported without licence.	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do
	Transporting or attempting to transport arms, ammunition, &c., the transport of which has been prohibited.	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do
	Transporting arms, &c., by concealment or other device.	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do
	Having possession of arms, &c., without a license in a proclaimed District.	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do
	Refusing to produce or point out arms, &c., where search warrant has issued or intentionally concealing such arms, &c.	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do
	Assaulting or resisting an officer in the execution of any power vested in him by this Act.	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do	do

NOTE.—Section 95 provides that offences against this Act may be tried where committed or where offender is arrested.

Section 40 provides that if an offence punishable by fine and imprisonment or imprisonment only be committed by a European British subject beyond the limits of a District Court (High Court), the offender shall be liable to be convicted before a District Court, and if an offence punishable by fine and imprisonment only be committed by a European British subject within the limits of a District Court, the offender shall be liable to be convicted before a District Court, or before a Magistrate, or before a Police Magistrate, or before a Court established by Royal Charter within the limits of Courts established by Royal Charter.

Section 43 provides that all other offences punishable under this Act committed within the limits of Courts established by Royal Charter shall be punishable by such Court.

Section 44 to 45 prescribe the procedure for trying fines.

SCHEDULE OF LOCAL AND SPECIAL LAWS.

1	2	3	4	5	6	7
Section.	Offence.	Whether the Police may arrest without warrant or not.	Whether a warrant or a permit is already issued in the first instance.	Whether bail-able or not.	Punishment according to law.	By what Court triable.
Part 3 (c)	Breach of Custumment Rules by a person not subject to the Indian Act of Warrent not a European British subject or an officer or soldier.	Shall not arrest without warrant.	Summons.	Bailable.	Fine not exceeding Rs. 50, or a month's payment of or in lieu of payment of the amount not exceeding 30 days.	Officer Commanding Custumment and the Custumment Magistrate.

**BOATS and CATAMARANS Act IX of 1848.**—For authorizing the Government of Fort St. George to provide Regulations for the several ports and places of anchorage within the territory subject thereto.

Amended Rules for the better management of Boats and Canoes plying for hire at the Out-posts of the Madras Presidency passed by the Government of Fort St. George on the 10th September 1847 and sanctioned by the Government of India (Wise, Fort St. George Gazette, 4th October 1867, page 880a.)

Rule.	Summons.	Bailable.	Any Magistrate of the District.
1	Employing or being employed in a boat, &c., without a license or registration.	do	Fine not exceeding Rs. 50 or imprisonment not exceeding 3 months.
3	Being the captain or owner of a boat, &c., neglecting to give notice of change of ownership.	do	Fine not exceeding Rs. 25 or imprisonment not exceeding 3 months.
4	Flagrantly palming on boat not duly registered any figure.	do	Fine not exceeding 6 weeks' imprisonment with or without hard labor not exceeding 6 months.
5	Refusal by owner to keep the number in boat legible or hiding or obliterating it.	do	Fine not exceeding Rs. 50 or imprisonment not exceeding 3 months.

11	Assisting (by any person not the owner) in pilfering or in the removal of cargo from registered cargo boats, &c.	do	do	do	Fine not exceeding Rs. 10 against owner or in default of payment imprisonment not exceeding 14 days for each man so employed.	do
6		do	do	do	Fine not exceeding Rs. 50 or in default of payment imprisonment not exceeding 3 months.	do
7	Owner allowing boat, &c., to ply without requisite complement of men.	do	do	do	Fine not exceeding Rs. 5 against Tindal or in default of payment imprisonment not exceeding 15 days.	do
8	Loading boat, &c., with passengers or cargo beyond what is specified in the license.	do	do	do	Fine not exceeding Rs. 10 against owner or in default of payment imprisonment not exceeding 16 days and for every surplus passenger and caddy of goods.	do
11	Being engaged in shipping off or loading goods beyond prescribed limits without permission.	do	do	do	Fine not exceeding Rs. 50 or in default of payment imprisonment not exceeding 3 months.	do
12	Disengaging rate of hire beyond that sanctioned.	do	do	do	Fine not exceeding Rs. 10 or in default of payment imprisonment not exceeding 16 days.	do
14	Refusing to let on hire boat, &c., without satisfactory cause.	do	do	do	Fine not exceeding Rs. 10 or in default of payment imprisonment not exceeding 16 days for a first offence and Rs. 30 for a second offence.	do

**BOATS AND CATAMARANS Act IX of 1949.—(Continued.)**

viii

SCHEDULE OF LOCAL AND SPECIAL LAWS.

SCHEDULE OF LOCAL AND SPECIAL LAWS.

ix

1	2	3	4	5	6	7
Rule.	Offence.	Whether the Police may arrest without warrant or not.	Whether a summons shall be issued in the first instance.	Whether bail-able or not.	Punishment according to Law.	By what Court triable.
15	Willful neglect or desertion of boatmen causing impediment to the service of boat, &c.	Shall not arrest without warrant.	Summons.	Bailable.	Fine not exceeding Rs. 10 or in default of payment imprisonment not exceeding 10 days or both, and for a second or if the boatmen have been endangered imprisonment with labor not exceeding 6 months.	Any Magistrate or a Justice of the Peace.
16	Taking off or landing cargo without permission.	do	do	do	Fine not exceeding Rs. 50, or in default of payment imprisonment not exceeding 3 months.	do
17	Resisting or impeding any officer making search for prohibited or prohibited goods on board a boat, &c.	do	do	do	Fine not exceeding Rs. 100, or imprisonment with or without labor not exceeding 6 months.	do

**BOUNDARY MARKS, &c. Act XXVIII of 1890.—For the Establishment and Maintenance of Boundary Marks, &c.**

Sec. 4	Falling to attend before Collector or other officer and to certify making false statement or refusing to give information when called upon.	Shall not arrest without warrant.	Summons.	Bailable.	Fine not exceeding Rs. 50.	Collector or other officer duly appointed.
9	Willfully erasing, altering, removing or injuring any boundary works, &c.	do	do	do	Fine not exceeding Rs. 50 for each mark erased, &c.	Any Magistrate.

29

Obstructing public servant conducting demarcation, &c., of lands, or performing other duties under this Act.

do

do

do

Fine not exceeding Rs. 50 or in default of imprisonment not exceeding 2 months for first offence, and for a repeated offence a fine not exceeding Rs. 100, or imprisonment not exceeding 6 months.

do.

**CANALS AND PERRIES' Act I of 1870 (Madras).—To provide for collection of tolls and license fees on Canals, &c.**

12	Willfully causing obstruction to line of navigation or damage to banks or works of such line or omitting to remove such obstruction after being lawfully required to do so.	Shall not arrest without warrant.	Summons.	Bailable.	Simple imprisonment not exceeding 1 month or fine not exceeding Rs. 50 or both, and also such fine as may be sufficient to cover cost of damages or removing obstruction or repairing damage.	Any Magistrate.
24	Refusing to pay or erasing any toll or license fee due or infringing right of ferry.	do	do	do	Fines which may extend to Rs. 10 or simple imprisonment not exceeding 1 month which may extend to 1 month.	do.
25	Levying or demanding tolls or license fees by persons not authorised or demanding higher toll or fee than is permitted or unlawfully detaining, seizing or withholding any property or extorting money, &c.	do	do	do	Imprisonment of either description for 1 year or fine or both. (Vid. Sec. 417, Indian Penal Code.)	Magistrate of 1st or 2nd Class.

NOTE.—Section 27 provides that all fines imposed under this Act may be recovered in the mode prescribed by the Code of Criminal Procedure.

Section.	2	3	4	5	6	7
	Offence.	Whether the Police may arrest without warrant or not.	Whether warrant or summons shall issue in the first instance.	Whether bail-able or not.	Punishment according to Law.	By what Court triable.
6	Public followers attached to the army and receiving public pay and allowances and bachelors belonging to any of the branches of the Government or Medical Department committing breach of standing orders or of their respective duties.	Shall not arrest without warrant.	Summons.	Ballable.	Imprisonment of either defendant for 1 month or fined Rs. 10 or 50 or any two of those punishments.	Commitment Magistrate or of any Magistrate.
13	Breach of any rule or regulation made by Government under Section 17.	do	do	do	Fine of Rs. 50 or imprisonment for 8 days with or without labor.	Chief Mag. or Asst. Chief Mag. or any Magistrate.
30	Any person not amenable to the Articles of War or who follows, harbours, sells or supplies any spirits, tobacco, liquor, &c., to or for the use of a European soldier or of a European or Eurasian being a camp-follower or a soldier's wife without a written license.	do	do	do	Fine of Rs. 100 or imprisonment with or without hard labor for 3 months or in lieu of such fine or imprisonment, whipping.	Any Magistrate or a Magistrate of 3rd Class may not pass a sentence of whipping.
32	Any camp-follower or military pensioner or wife or widow of any soldier, or any person who has more than one imperial grant of subsidies, liquor or wine without a license.	May arrest without warrant (Vide Sec. 23)	do	do	Fine of Rs. 50 and for any subsequent offence fine of Rs. 100 or imprisonment with or without hard labor for 3 months.	Any Magistrate.

NOTE.—Sections 21, 22, and 23 prescribe the procedure for enforcing penalties for breach of any rule or regulation made under Section 17.

CATTLE DISEASES	ACT 101 OF 1906 (continued)					
13	Failing to give notice to hospital authorities of any animal being attacked by a contagious or infectious disorder.	do	do	do	do	Any Magistrate.
14	Refusing to obey directions of hospital pound keeper, &c., as to impounding diseased animals, &c.	do	do	do	do	do
15	Opposing the seizure and impounding of diseased animals.	do	do	do	do	Magistrate of the 1st, or 2nd, Class.
16	Breach of Bye-Laws prescribed by Governor in Council for preventing the spreading of disease among animals.	do	do	do	do	Any Magistrate.

NOR.—Section 1 provides that this Act shall be put in force in such Districts or parts of Districts and during such periods of time, as the Council may direct by Notification in the Fort Saint Georges Gazette.

on the subject, and avoid the law relating to trespass by cattle.

CATTLE TRESPASS ACT I OF 1871.—To consolidate and amend the law relating to trespassing cattle.					
	Shall not arrest without warrant.	Summons.	Bailable.	Compensation up to Rs. 100 and expenses.	Magistrate or District Officer may direct that the cattle be seized and returned to the owner without charges by District Officer or any Magistrate.
22	Illegal seizure of cattle.				
24	Forcefully opposing seizure of cattle liable to be seized or rescuing same, after seizure.	do	do	Imprisonment not exceeding 6 months or fine not exceeding Rs. 500 or both.	



## CATTLE TRESPASS ACT I OF 1871.—(Continued.)

1	2	3	4	5	6	7
Section.	Offence.	Whether the Person may arrest without warrant or not.	Whether a summons shall or may be issued in the first instance.	Whether bail-able or not.	Punishment according to Law.	By what Court triable.
26	Damaging land or any crop or produce of land or any public road by allowing pigs to trespass, or by releasing or purchasing or delivering cattle or emitting to private impounded cattle with sufficient food and water, or failing to perform any other duties imposed upon him.	Shall not arrest without warrant.	Summons.	Bailable.	Fine not exceeding Rs. 10.	Any Magistrate.
27	Doing any of the above acts after having been warned by the Magistrate.	do	do	do	Fine not exceeding Rs. 50, over and above any other penalty to which he may be liable.	do

NOTE.—This Act extends to the whole of British India, except the Presidency Towns and such Districts, as the Local Government with the sanction of the Governor-General may exclude from its operation.—Vide Section 1.

## COMPANIES' ACT X OF 1860.—For the incorporation, regulation, and wind-up of Trading Companies and other Associations.

24	Company failing to keep in one or more books a register of its members with the requisite particulars and every year a balance sheet of the Company who shall knowingly and wilfully authorise or permit such failure.	Shall not arrest without warrant.	Summons.	Bailable.	Penalty of Rs. 50 for every day during which the default of Company in keeping the books continues.	Magistrate 1st Class.
25	Company failing to forward to Registrar of Joint Stock Companies list of Members and Summary, and Director or Manager failing to comply with any authorising or permitting such failure.	do	do	do	Penalty of Rs. 50 for every day during which default continues.	do

31 Company refusing to allow inspection to any person of the Register of Members and Directors or Manager authorising or permitting such refusal.

33 Company failing to give notice to Registrar of increase in capital and in number of members, and Directors or Manager authorising or permitting such failure.

41 Company neglecting to keep painted or affixed its name on the outside of Office or place of business or in a conspicuous position, and Director or Manager authorising or permitting such failure.

43 Company wilfully authorising or permitting omission of entry in Register of mortgages and charges specifically affecting property of Company.

44 Company neglecting to make and publish statement in form of a Directors' Report.

45 Company neglecting to make and publish statement in form of a Directors' Report.

46 Company neglecting to make and publish statement in form of a Directors' Report.

do

Penalty of Rs. 50 for every refusal and a further penalty of Rs. 20 for every day during which such refusal continues.

do

Penalty of Rs. 100 for every day during which neglect to give notice continues.

do

Penalty of Rs. 50, for not so painting &c., &c., which name is not kept painted or affixed.

do

Penalty of Rs. 1,000.

do

Penalty of Rs. 500.

do

Penalty of Rs. 10 and a further penalty of Rs. 20 for every day during which default continues.

do

Penalty of Rs. 50 for every day during which default continues.

## COMPANIES ACT X OF 1908.—(Continued.)

1 Section.	2. Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether war- rants shall or- dinarily issue in the first in- stances.	5 Whether bail- able or not.	6 Punishment according to law.	7 By what Court triable.
46	Company not having capital divided into shares making default in keeping Register of Directors or Managers or in supplying every shareholder with a copy thereof to Register of Directors or Managers and Director or Manager authorising or permitting such default.	Shall not arrest without warrant.	Summons.	Bailable.	Penalty of Rs. 100 for every day during which default continues.	Magistrate of 1st Class.
49	Director or Manager authorising or permitting a default in making yearly balance sheet and submitting same as general meeting and filing it with Registrar.	do	do	do	Penalty of Rs. 1,000.	do
53	Company failing to forward to Registrar copy of Special Resolution within 15 days from its confirmation and Director or Manager authorising or permitting such neglect.	do	do	do	Penalty of Rs. 20 for every day after expiration of such 15 days during which copy is omitted to be forwarded.	do
54	Company making default in embodying copy of Special Resolution in articles of association and in forwarding a copy of the same to Member and Director or Manager permitting default.	do	do	do	Penalty of Rs. 20 for each copy in respect of which such default is made.	do
58	Officer or Agent of Company refusing to produce books or documents to Government Inspectors or to answer questions relating to affairs of Company.	do	do	do	Penalty of Rs. 100 in respect of each offence.	do

60	Officer or Agent of Company refusing to produce books or documents to Inspectors appointed by itself or to answer questions relating to affairs of Company.	do	do	do	do.	do
135	Official liquidator making default in reporting to Registrar order of Court for winding up.	do	do	do	Penalty of Rs. 100 for every day during which official liquidator is in default.	do
159	Liquidators neglecting to make a return to Registrar of Meeting having been held upon their account showing the manner in which winding up has been conducted, &c.	do	do	do	Penalty of Rs. 50 for every day during which default continues.	do
183	Officer or Company Secretary, or any clerk, falsifying or making false entries in books.	do	do	do	Imprisonment of either description for 2 years and fine of Rs. 500.	do
188	Giving false evidence.	May arrest without warrant.	Warrant.	Not bailable.	Imprisonment of either description for 7 years and fine of Rs. 100 for each day during which the Company carries on business.	Court of Session.
224	Director or Manager of Company refusing registration carrying on business without registration.	Shall not arrest without warrant.	Summons.	Bailable.	Penalty of Rs. 100 for each day during which the Company carries on business.	Magistrate of 1st Class.

Note.—Section 299 prescribes that if offence declared to be punishable by a penalty is committed within local limits of High Court, such offence shall be punishable upon summary conviction by a Magistrate of Police.

Sections 227 and 228 prescribe the procedure for enforcing any penalties imposed in case of non-payment, and Section 229 provides that in case of non-payment or non-recovery of penalty by distress and sale, the offender shall be liable to various periods of imprisonment, ranging from 2 months to 6 months according to the amount of the penalty.

## CONTAGIOUS DISEASES' ACT XIV OF 1908.—For the prevention of certain Contagious Diseases.

4	Carrying on business of common prostitute or brothel-keeper without having been registered or without having evidence of registration.	Shall not arrest without warrant.	Summons.	Bailable.	Imprisonment for 1 month or fine of Rs. 100 or both.	Magistrate of 1st or 2nd Class.
6	Change of residence by registered woman.	do	do	do	Imprisonment for 14 days or fine of Rs. 50 or both.	do

Section.	2	3	4	5	6	7
	Offence.	Whether the Person arrested without warrant or not.	Whether a warrant or a summons shall or shall not be issued in the case of offence.	Whether bail-able or not.	Punishment according to Law.	By what Court triable.
6	Failure to give notice of change of residence or of place of business by post or telegraph.	Shall not arrest without warrant.	Summons.	Bailable.	Imprisonment for 1 month or fine of Rs. 100 or both.	Magistrate of 1st or 2nd Class.
7	Neglecting to confine to place of residence or refusing to allow evidence of registration to officer duly authorised.	do	do	do	Imprisonment for 14 days or fine of Rs. 40 or both.	do
8	Broth-keeper permitting unregistered prostitutes to resort to brothels.	do	do	do	Imprisonment for 6 months or fine of Rs. 1,000 or both.	do
11	Any person not a Medical officer, or any registered woman disobeying rules as to examination of prostitutes.	do	do	do	Imprisonment for 1 month or fine of Rs. 100 or both.	do
16	Quitting a hospital before being discharged.	May arrest without warrant.	do	do	Imprisonment for 1 month in case of first offence and imprisonment for 3 months in case of subsequent offences.	do
"	Refusing or neglecting to obey regulations of hospital.	Shall not arrest without warrant.	do	do	Imprisonment for 1 month or fine of Rs. 100 or both.	do
17	Disobeying order to attend for out-patient treatment.	do	do	do	Imprisonment for 6 months or fine of Rs. 500 or both.	do
18	Acting as a medical attendant while under medical treatment.	do	do	do	Imprisonment for 1 month or fine of Rs. 100 or both.	do
20	Residing in street or place after prohibition.	do	do	do	In case of first offence and imprisonment for 3 months in case of second offence.	do

Note.—This Act applies to such places as the Local Government shall, with the previous sanction of the Governor-General, specify by Notification in the Official Gazette. (Vide Section 3.)

CRIMINAL PROCEDURE CODE ACT X of 1872. — For regulating the Procedure of the Courts of Criminal Jurisdiction.

	259	356	364	414	435	489	490	497
	Making a frivolous or vexatious complaint of an offence under Chapter xvi.	Person summoned before Magistrate according to answer questions.	Witness before Court of Session refusing to answer questions put, without excuse for refusal.	Failing to attend as a Juror or Assessor or tendering to leave after having attended or failing to attend as assessor sitting.	Contempts of a Civil, Criminal or Revenue Court committed in the view or presence of such Court.	Rioting, assault or other breach of the peace or abetting the same or assembling armed men or taking other unlawful measures to commit the same or abetting the same or endeavouring to do so.	Rioting, assault or other breach of the peace or abetting the same or assembling armed men or taking other unlawful measures to commit the same or abetting the same or endeavouring to do so.	Being likely to commit a breach of the peace or to do an act that may probably occasion a breach of the peace.
	Shall not arrest without warrant.	...	...	Shall not arrest without warrant.	do	do	do	do
	Bailable.	Summons.	Summons.	Bailable.	do	do	do	do
	Compensation not exceeding Rs. 500.	May be committed to custody up to 7 days.	May be committed to custody for a reasonable time as Court deems proper.	Fine not exceeding Rs. 100. In default of recovery of fine by attachment and sale, imprisonment in Civil Jail for 15 days.	Fine not exceeding Rs. 200 and in default of payment imprisonment in Civil Jail not exceeding 1 month.	The Court shall be bound to keep the peace up to and to three years by Court of Session, or Magistrate and up to three years by Court of Session and imprisonment for above period in default.	The Court shall be bound to keep the peace up to and to three years by Court of Session and imprisonment for above period in default.	Magistrate of 1st Class or Magistrate of District.

## CRIMINAL PROCEDURE CODE ACT X OF 1872.—(Continued.)

Section.	2	3	4	5	6	7
	Offence.	Whether the Police may arrest without warrant or not.	Whether a warrant shall or summons shall be issued in the first instance.	Whether bailable or not.	Punishment according to Law.	By what Court triable.
499	Being likely to commit a breach of the peace when it is considered desirable to bind down the offender to keep the peace for more than one year.	do	Summons.	Bailable.	Bond with or without security to keep the peace for a second year or in default imprisonment for one year.	Court of Session.
500	Breach of the peace by using forcible means to keep the peace.	do	do	do	Punishment of penalty or imprisonment in Civil Jail up to 6 months.	Mag. of 1st Class or Mag. of Division of District.
501	Any person harking about or being without ostensible means of subsistence or being unable to give a satisfactory account of himself.	An officer in charge of Police may arrest or cause to be arrested without warrant.	do	do	Security for good behaviour for 6 months or in default imprisonment for same period.	Magistrate of 1st Class.
505	Being by repeat a robber, house-breaker or thief or a receiver of stolen property or of notoriously bad livelihood or a dangerous character.	do	do	do	Security for good behaviour for three years or in default imprisonment for same period.	Magistrate of 1st Class if security not furnished, Court of Session.
506	Being by habit a robber, house-breaker or thief, or a receiver of stolen property or of a character so desperate and dangerous as to render release after one year of bond by principal when Magistrate considers proceedings should be had against surety.	Shall not arrest without warrant.	do	do	Payment of penalty, or in default of payment or recovery by attachment & sale of property or security, imprisonment in Civil Jail up to 6 months.	Magistrate of 1st Class.

506 Any person having sufficient means neglecting to maintain his wife or legitimate or illegitimate child.

do do do do do

Order for payment of monthly allowance not exceeding Rs 20.

do

## CRIMINAL TRIBES' ACT XXVII OF 1871.—For the Registration of Criminal Tribes and Families.

9	Member of Criminal tribe failing to appear pursuant to notice.	Shall not arrest without warrant.	Summons.	Bailable.	Punishment.	Any Magistrate.
	Intentionally omitting to furnish information required by notice.	do	do	do	Simple imprisonment for 1 month or fine of Rs. 500, or both, under Section 174, Part I, Penal Code.	Magistrate of 1st or 2nd Class.
	Furnishing as true information which he knows or has reason to believe to be false.	do	do	do	Simple imprisonment for 1 month or fine of Rs. 500 or both, under Section 175, Part I, Penal Code.	do
19	Violating rules made by Local Government under Section 18.	do	do	do	Simple imprisonment for 6 months or fine of Rs. 1000 or both, under Section 177, Part I, Penal Code.	Any Magistrate. (A Magistrate of 1st Class may exercise jurisdiction in cases of whipping.)
	Violating rules made by Local Government after first conviction.	do	do	do	Rigorous imprisonment for 1 year or fine or whipping or all or any two of those punishments, under Section 178, Part I, Penal Code.	Magistrate of 1st or 2nd Class.
22	Village headman, village watchman, &c., neglecting to give information as to failure of a member of tribe to appear and give information, or to report departure of such person or to report of arrival of person suspected to belong to criminal tribe.	do	do	do	Rigorous imprisonment for 1 month or fine of Rs. 200 or both, under Section 178, Part I, Penal Code.	do



## CRIMINAL TRIBES' Act XXVII of 1871.—(Continued.)

1	2	3	4	5	6	7
Section.	Offence.	Whether the Police may arrest without warrant or not.	Whether the accused shall or should not be taken into custody without warrant in the first instance.	Whether bail, able or not.	Punishment according to Law.	By what Court triable.
26	Registered Eunuch appearing dressed or encountered as a woman in a public street or place, or dancing, &c., in a public street or for fire in a private house.	May arrest without warrant	Whether a warrant or not.	Bailable.	Imprisonment for 2 years or fine or both.	Magistrate of 1st or 2nd Class.
27	Registered Eunuch having in his charge any girl or woman of any age, or any boy under 16 years of age, control any boy under 16 years of age.	Shall not arrest without warrant.	do	do	Imprisonment for 2 years or fine or both.	do
28	Registered Eunuch intentionally contriving to furnish information as to property of or to which he is possessed or entitled or which is held in trust for him.	do	do	do	Simple imprisonment for 6 months or fine of Rs. 1,000 or both, under Section 176, Part II, Penal Code.	do
29	Registered Eunuch furnishing as true information or the substance of the same to any person or persons to believe to be false.	do	do	do	Simple imprisonment for 2 years or fine or both, under Section 177, Part II, P. Code.	do

NOTE.—Section 1 and Section 20 extend to the whole of British India, the rest of the Act extends only to the Territories under the Governments of the Lieutenant-Governors of the North West Provinces and the Punjab respectively, and under the administration of the Chief Commissioner of Oude (Wide Section 1.)

**CUSTOMS' Act VI of 1844.**—For abolishing the levy of transit or inland Customs' duties, &c.

14	Choice Officer permitting goods to cross the frontier without a certificate or by prohibited route.	Summons.	Detainable.	Implement not exceeding 6 months and fine not exceeding Rs. 500 commisable if not paid to implement for further period of 6 months.	Collector of Customs.
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15 Choke Officer needlessly and ver-  
tually injuring goods in course of  
examination or wrongfully detaining  
them

15	Chinese Officer meddling and ver- tuously snarling goods in course of examination or wrongfully detaining them.	do	do	Collector of Customs or any Ma- nagers or any Ma- gistrate.
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**CUSTOMS' Act VI of 1863.**—To consolidate and amend the laws relating to the administration of the Department of Sea Customs in India.

	Shall not arrest without warrant.	Summons.	Reliable.	Goods shall be liable to confiscation and any person concerned in the offence shall be liable to a penalty not exceeding 3 times the value of the goods or not exceeding Rs. 1,000.	Penalty not exceeding Rs. 500.	Officer in charge of Custom House.
24	Importing or exporting goods contrary to prohibition, &c.	do	do	do	do	do
25	Infringing any rule or order made under this Section directing at what stations or places vessels arriving at or departing from a port shall anchor or be moored, or the order of the Customs and at what particular places small vessels shall be required to anchor or move.	do	do	do	do	do
26	Master or Commandeer wilfully omitting to deliver report or manifest as prescribed for or delivering an untrue report or manifest.	do	do	do	do	do
27	Master or Commandeer wilfully omitting to deliver report or manifest when required to do so by officers of the anchoring station.	do	do	do	do	do
28	Master or Commandeer wilfully omitting to deliver report or manifest within 24 hours after anchoring at port where Custom House is established.	do	do	do	do	do

## CUSTOMS' Act VI of 1863.—(Continued.)

1	2	3	4	5	6	7
Reckoning.	Offence.	Whether the Po- lice may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first in- stance.	Whether bail- able or not.	Punishment according to Law.	By what Court triable.
37	Pilot or Officer of Customs refusing to receive report or manifest from Master or Commander.	Shall not arrest without warrant.	Summons.	Bailable.	Penalty not exceeding Rs. 500.	Officer in charge of Customs House.
38	Master or Commander removing from place of mooring or unloading without due authority.	do	do	do	Penalty not exceeding Rs. 1,000.	do
40	Master or Commander failing to bring to at boarding station when required.	do	do	do	Penalty of Rs. 1,000.	do
42	Master or Commander refusing to receive Officer of Customs on board.	do	do	do	Penalty not exceeding Rs. 500 for each day during which such Officer shall not be received.	do
43	Master or Commander refusing to receive on board one servant of Officer of Customs and to provide such Officer and servant with shelter and accommodations, &c.	do	do	do	Penalty not exceeding Rs. 500.	do
45	Master or Commander refusing to allow a search by Customs Officer or willfully breaking or opening any lock, &c., placed by Customs Officer upon goods, or if goods are already conveyed away or if any hatchway found closed by Customs Officer to be opened without permission.	do	do	do	Penalty not exceeding Rs. 1,000, or in default of payment imprisonment for 6 months.	Magistrate of 1st Class.

47	Mastor or Quartermaster delivering bill of lading which is false or fraudulent & altered, and goods expressed therein not found on board.	do	do	do	Punishy not exceeding Rs. 1,000.	Officer in charge of Customs House.
48	If goods entered in manifest be not found on board or quantity be short and deficiency not satisfactorily accounted for,	do	do	do	do	do
49	Mastor or Commander allowing goods to be discharged on Sunday or holiday or after prescribed hours or without presence or authority of Customs Officer.	do	do	do	Punishy not exceeding Rs. 1,000 and goods liable to confiscation.	do
50	Loading or unloading of goods not signed by the Officer of the vessel.	do	do	do	Goods liable to cost fixation and penalty not exceeding twice the amount of duty leviable on the goods against the person by whom they are loaded or unloaded or charged on the boat if it appear that the fault was with him.	do
51	Taking or passing out of a Customs House or wharf any goods without entry duly made.	do	do	do	Punishy not exceeding Rs. 500.	do
52	Impurify, export or consignments of goods or agents removing or attempting to remove goods from warehouse before passing this Customs House.	do	do	do	Goods liable to confiscation or if goods cannot be recovered owner liable in addition to full duty to a penalty not exceeding twice the amount of duty if removed from warehouse before passing this Customs House.	do
53	Improperly carrying goods into a warehouse.	do	do	do	Punishy not exceeding Rs. 1,000.	do

## CUSTOMS' Act VI of 1863.—(Continued.)

Section.	2	3	4	5	6	7
	Offence.	Whether the offence is committed without warrant or not.	Whether a warrant or a summons shall or shall not be issued in the first instance.	Whether bail-able or not.	Punishment according to Law.	By what Court triable.
82	Owner, importer or consignee of goods or agent omitting or mis-describing goods passed by bale or by package.	Shall not arrest without warrant.	Summons.	Bailable.	Punalty not exceeding ten times the amount of duty which might have been lost to Government by such omission or default.	Officer in charge of Customs House.
84	Keeper of warehouse neglecting to stow goods properly.	do	do	do	Punalty not exceeding Rs. 50 or in default of payment imprisonment for one month.	Magistrate of 1st Class.
85	Keeper of warehouse failing to produce goods not cleared on requisition of an Officer of Customs.	do	do	do	He shall be liable not only to pay duties on such goods but also to penalty of Rs. 50 or in default of payment imprisonment for six months.	do
88	Keeper of licensed private warehouse refusing access to Customs Officers.	do	do	do	Punalty of Rs. 1,000 or in default of payment imprisonment for six months.	do
91	Importer, owner or consignee of warehoused goods clandestinely opening warehouse, or gaining access to goods except by means of Customs Officer.	do	do	do	Punalty of Rs. 1,000 or in default of payment imprisonment for six months.	do
96	Deportation of duty of goods lodged in private warehouse.	do	do	do	Punalty against licensee of warehouse failing to give the duty chargeable on the goods so deposited, or in default of payment imprisonment for a period proportionate to the amount of duty.	do

100	Improper taking of goods out of a warehouse.	do	do	do	Punalty of Rs. 1,000, or in default of payment imprisonment for 6 months.	Officer in charge of Customs House.
116	Master or Commander allowing goods to be taken on board before entry outwards.	do	do	do	do	do
117	Master or Commander allowing lading of goods in the absence of Customs Officer.	do	do	do	do	do
118	Shipping goods on Sunday or holiday, or at other prescribed hours, or before entry outwards and clearance.	do	do	do	do	do
121	Master or Commander refusing to receive Customs Officer on board a vessel clearing from Port Clearance.	do	do	do	Punalty of Rs. 500 for each offence which such officer shall not be received on board.	do
122	Master or Commander refusing to receive on board a vessel clearing from port an servant of Customs Officer, and to provide such officer and servant with shelter and accommodation, &c.	do	do	do	Punalty of Rs. 500.	do
125	Officer failing to deliver or transmit Customs Office for goods shipped for exportation.	do	do	do	do	do
125	Master or Commander attempting to depart without a Port Clearance.	do	do	do	do	do
"	Master or Commander actually departing without Port Clearance.	do	do	do	Punalty of Rs. 1,000.	Magistrate of 1st Class
127	Master or Commander of vessel proceeding to sea without production of Port Clearance.	do	do	do	Punalty of Rs. 1,000, or in default of payment, imprisonment for 6 months.	Officer in charge of Customs House.
130	Master or Commander taking on board of any vessel goods not enumerated in manifest.	do	do	do	Punalty of Rs. 30 for every package of goods.	do
"	Master or Commander landing goods placed on board such vessel at any place other than that for which they shall have been cleared.	do	do	do	Punalty not exceeding three times the value of the goods so landed.	do

## CUSTOMS' Act VI of 1863.—(Continued.)

1	2	3	4	5	6	7
Section.	Offence.	Whether the Police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bail-able or not.	Punishment according to Law.	By what Court triable.
134	Master or Commander failing to bring to at prescribed stations.	Shall not arrest without warrant.	Summons	Bailable	Penalty of Rs. 1,000.	Officer in charge of Customs House.
136	If goods reloaded from vessel returned to port after Draw Clearance, and on account of which Draw Clearance has been paid be not found on board such vessel.	do	do	do	Penalty not exceeding the entire value of such goods.	do
143	The Master or Commander of a vessel has been paid and not exported to a foreign port or are reloaded at any port in British India. (Against Master or Commander, and any person by whose orders goods reloaded, or any person concerned in such re-loading.)	do	do	do	Penalty not exceeding three times the value of such goods.	do
151	If re-conveyance of any rule goods are taken into the Customs House, vessel, or vessel touch at foreign port or deviate from voyage, &c. (Against Master or Commander.)	do	do	do	Penalty of Rs. 1,000.	do
152	Unshipping goods from vessel arriving coastwise, or shipping goods for carriage coastwise on Sunday or holiday or after prescribed hours without the permission of the Customs Officer, or unshipping or shipping goods from any place except the Customs House, or without the presence of Customs Officer.	do	do	do	Penalty of Rs. 500 and goods liable to confiscation.	do

153	Failing correctly to keep cargo-book on board, or failing to produce same on demand, or if goods entered are not entered in book or are noted as delivered, or if goods entered are not delivered. (Against Master or Commander.)	do	do	do	Penalty of Rs. 500.	do
154	Delivering false account for the purpose of obtaining clearance of coastwise cargo. (Against Master or Commander.)	do	do	do	do	do
157	Failing to deliver pass within 24 hours after arrival of coasting vessel at port of discharge. (Against Master or Comdr.)	do	do	do	Penalty of Rs. 200.	do
159	If entry to provisions of Customs Act, goods are taken on board and carried coastwise, or goods brought coastwise and taken on board, or goods are taken on board without entry in clearance. (Against Master or Commander.)	do	do	do	Penalty of Rs. 500.	do
160	Refusing to produce to Customs Officer any document belonging to coasting vessel, or to produce to Customs Officer any document on board. (Against Master or Commander.)	do	do	do	Penalty of Rs. 200.	do
173	Re-loading, or attempting to re-load, spirituous liquor shipped for exportation.	do	do	do	Penalty of Rs. 500, and liquor liable to confiscation.	do
174	Acting as agent for transaction of business relating to entrance or clearance of land, goods or baggage, without authority from Officer in charge of Customs House.	do	do	do	Penalty of Rs. 500.	do
177	Failing to deliver if required duplicate of bill of entry or shipping bill upon the entry or clearance of goods for importation. (Against Importer, or his purveyor, or the Agent.)	do	do	do	Penalty of Rs. 200.	do
183	Commander or Master of tug-steamers or pilot vessel receiving or discharging goods without due authority.	do	do	do	Penalty of Rs. 1,000, and goods liable to confiscation.	do



## CUSTOMS' ACT VI OF 1863.—(Continued.)

1	2	3	4	5	6	7
Section.	Offence.	Whether the Police may arrest without warrant or not.	Whether a warrant shall or should issue in the first instance.	Whether bail-able or not.	Punishment according to Law.	By what Court triable.
194	Shipping, landing, or concealing goods, contrary to the provisions of the Act, &c.	Shall not arrest without warrant.	Summons.	Bailable.	Penalty of Rs. 1,000.	Officer in charge of Customs House.
209	Being found in possession of dutiable or prohibited goods after search.	do	do	do	Penalty not exceeding three times the value of the goods, and, in the case of a second offence, imprisonment for two months, or in default of payment, imprisonment for two months.	do
211	Customs Officer requiring any person to be searched on insufficient grounds.	do	do	do	Simple imprisonment for two years, or fine, or both.	Magistrate of 1st Class.
212	Willful breach of duty by Customs Officer, or other person employed for prevention of smuggling.	do	do	do	Imprisonment of either description for two years, or fine, or both.	do
213	Customs Officer, or other person employed for prevention of smuggling, practising or attempting to practise fraud in collecting or concealing duty, for the purpose of injuring customs revenue.	do	do	do	Imprisonment of either description for two years, or fine, or both.	do
215	Obstructing Customs Officer, or other person employed for prevention of smuggling.	do	do	do	Imprisonment of either description for 6 months, or fine of Rs. 1,000, or both, and in default of payment of fine, imprisonment for 6 months.	do
216	Making false declaration, &c., or falsifying documents, or not truly answering questions.	do	do	do	Imprisonment of either description for 6 months, or fine of Rs. 1,000, or both, and in default of payment, imprisonment for 6 months.	do
217	Unauthorized declaration of value of goods.	do	do	do	Penalty of Rs. 1,000.	Officer in charge of Customs House.

NOTE.—Section 206 provides that in cases cognizable under Section 208 by an officer in charge of a Customs House, the local Government may empower any officer of Customs in like manner to adjudicate any confiscated penalty or fine and rate of duty in such limits.

Section 210 provides that an appeal shall lie from the award of the officer in charge of Customs to the chief Customs authority.

Section 223 provides that the chief Customs authority may remit or commute any penalty adjudged by an Officer of Customs or by a Magistrate.

Section 224 provides that when a penalty is adjudged by an Officer of Customs, the penalty, if not paid, may be levied by sale of any goods in his charge; and should he fail to realise such penalty, a notification to that effect is to be sent to the Magistrate, who will proceed to enforce payment thereof as if the penalty had been adjudged by himself.

Section 225 prescribes the periods of imprisonment to which the offender shall be liable in default of payment of penalty adjudged by a Magistrate.

## ELEPHANTS' ACT I OF 1873.—To prevent the indiscriminate destruction of Wild Elephants.

3	Summons.	Shall not arrest without warrant.	Bailable.	Penalty not exceeding Rs. 500, and in default of payment, imprisonment of either kind for 3 months.	Any Magistrate.
3	Shooting at or intentionally destroying, or shooting the shooting at or destruction of wild female elephants upon waste or forest land.	do	do	Penalty of Rs. 1,000, and in default of payment, imprisonment of either kind for 6 months.	do
"	Conviction under this Act of an offence committed after previous conviction.	do	do	Penalty of Rs. 500, and in default of payment, imprisonment of either kind for 3 months.	do
"	Shooting at or intentionally destroying, or shooting the shooting at or destruction of wild male elephants upon waste or forest land, without a licence of Government.	do	do	Penalty of Rs. 1,000, and in default of payment, imprisonment of either kind for 6 months.	do
"	Conviction of offences after previous conviction.	do	do	Penalty of Rs. 1,000, and in default of payment, imprisonment of either kind for 6 months.	do

NOTE.—This Act extends to the territories for the time being subject to the Government of the Presidency of Fort Saint George. (Vide Section 1.)

**EMIGRATION ACT V OF 1888 (MADRAS).—**To regulate the manner of engaging and contracting with the Native inhabitants within any part of the Presidency of Madras, subject to the Government of Fort St. George, for labor to be performed in any part of India beyond the territorial limits of the Presidency of Madras.

1	2	3	4	5	6	7
Section.	Offence.	Whether the Police may arrest without warrant or not.	Whether a warrant or a summons may be issued or whether the same may be issued in the first instance.	Whether bail-able or not.	Punishment according to Law.	By what Court triable.
13	Labourer refusing or neglecting to proceed to place of labor according to engagement.	Shall not arrest without warrant.	Summons.	Bailable.	Imprisonment of either description for 1 month, or fine of double the expense incurred, or both, (under Sec. 402, Indian Penal Code.)	Magistrate of Police or Magistrate of District.
14	Contractor or recruiter of laborers, or Master of any vessel receiving laborers, without written authority from Protector of Laborers, or in excess of such authority, or afterwards receiving passengers on board, or any vessel, or the laborers on board.	do	do	do	Fine not exceeding Rs. 500.	do
15	Making unlawful contract for labor.	May arrest without warrant.	Warrant.	Not bailable.	Imprisonment of either description for 1 month, or fine of double the expense incurred, or both, (under Sec. 503, Indian Penal Code.)	Court of Session, or Magistrate of District or Magistrate of Police.
17	Recruiting without being licensed.	Shall not arrest without warrant.	Summons.	Bailable.	do	Magistrate of District or Police Magistrate.
18	Contractor or recruiter removing laborer without taking him before Protector of Laborers, or inducing laborer to contract by fraud, &c.	do	do	do	do	do

19 Contractor or recruiter forwarding laborer to any place for labor, or allowing them to go without being duly registered.

do

do

do

Fine not exceeding Rs. 500.

do

XVIII.—Section 49 prescribes the procedure for enforcing payment of fines imposed, and the periods of imprisonment to which the offender shall be liable upon non-payment and non-recovery of fines.

**EMIGRATION ACT VII OF 1871.—To consolidate the laws relating to the Emigration of Native Laborers.**

45	Emigrant without cause refusing to embark in Presidency town.	Summons.	Bailable.	Imprisonment of either kind for 1 month, or fine of double the expense incurred, or both, (under Section 402, Indian Penal Code.)	Magistrate of Police.
71	Making an unlawful contract of labor with a native of India.	Warrant.	Not bailable.	Imprisonment of either description for 7 years, and fine, (Section 353, Penal Code.)	Court of Session or Magistrate of 1st Class.
72	Aiding or abetting such unlawful emigration.	do	do	do	do
72	Acting or being employed as a recruiter without a license.	Summons.	Bailable.	(Sections 353 and 109, Penal Code.)	Police M <sup>r</sup> , District M <sup>r</sup> , or 1st Class M <sup>r</sup> , in charge of Prison or Division of District.
73	Recruiter removing emigrant without taking him before a Magistrate or Protector of Emigrants.	do	do	Fine of Rs. 500.	do
"	Recruiter by fraud or false pretences, &c. inducing persons to contract or to proceed without a contract.	do	do	do	do
"	Recruiter failing to supply emigrant with suitable food, or ill-treating him.	do	do	do	do

## EMIGRATION ACT VII OF 1871.—(Continued.)

1	2	3	4	5	6	7
Section.	Offence.	Whether the Police may arrest without warrant or not.	Whether a warrant shall or shall not be issued in the first instance.	Whether bail-able or not.	Punishment according to Law.	By what Court triable.
73	Recruiter conveying emigrant to place other than the Depot for Emigrants.	Shall not arrest without warrant.	Summons.	Bailable.	Fine of Rs. 500.	Police Mz. District Mz. or 1st Class Mz. in charge of Division or Sub-Division of District.
74	Depot forwarding emigrant to Depot without registration.	do	do	do	do	do
"	Recruiter inducing or permitting emigrant to proceed to Emigration Depot without registration.	do	do	do	do	do
75	Without lawful authority issuing warrant for Police to assist in preventing the departure of emigrants, or of laborers as required by Government.	do	do	do	do	do
76	Master of unlicensed vessel knowingly receiving emigrants on board in order to convey them to any place contrary to provisions of this Act.	do	do	do	Imprisonment for 1 year and fine of Rs. 1,000 for every emigrant received on board, and vessel liable to be forfeited.	do
77	Master of vessel in Calcutta, Madras or Bombay clearing such vessel and receiving emigrants on board without recognition of Surgeon in charge of Vessel.	do	do	do	Fine of Rs. 200 for every emigrant taken on board.	do
78	Master after clearance of vessel taking on board emigrants who have not been duly entered in lists mentioned in Sections 49 and 50.	do	do	do	do	do

79	Master after clearance fraudulently obtaining or procuring a certificate under Section 40 becomes inapplicable.	do	do	do	Fine of Rs. 5,000.	do
80	Master of vessel proceeding to sea from Calcutta without being in tow of a steamer, or not proceeding within time prescribed in Section 82.	do	do	do	Fine of Rs. 1,000.	do

Note.—Section 82 prescribes the procedure for the recovery of fines imposed under this Act.

## EVIDENCE ACT I OF 1872.—The Indian Evidence Act, 1872.

102	Translator divulging the contents of a document produced to the Court and not given in evidence when Court directs translator to keep contents secret.	Shall not arrest without warrant.	Summons.	Bailable.	Simple imprisonment for 1 year, or fine, or both (under Section 105, Indian Penal Code.)	Magistrate of 1st or 2nd Class.
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## EXCISE ACT XVI OF 1863.—To make special provision for the levy of the Excise duty payable on Spirits used exclusively in Arts and Manufactures, or in Chemistry.

3	Witfully contravening any rule prescribed by Board of Revenue for assessing and determining that spirits to be removed from distillery shall be delivered only for human consumption.	Shall not arrest without warrant.	Summons.	Bailable.	Penalty not exceeding Rs. 500.	Magistrate of 1st Class.
4	Attempting to render fit for human consumption spirits removed from a distillery under this Act.	do	do	do	Penalty not exceeding Rs. 1,000 against the person making the attempt, and penalty of Rs. 500 against the possessor of the spirits.	do

Note.—Sections 5 and 6 prescribe the procedure for enforcing payment of penalties under this Act, and Section 7 prescribes the period of imprisonment to which the offender shall be liable in case of non-payment and non-recovery of fine.







## MALABAR MOPLA OUTRAGES' ACT XX OF 1850.—(Continued.)

1	2	3	4	5	6	7
Section.	Offence.	Whether the Police may arrest without warrant or not.	Whether a warrant or a summons may be issued in the first instance.	Whether bail-able or not.	Punishment according to Law.	By what Court triable.
10	... ..	...	...	...	When any outrages specified in Section 3 is committed upon Moplas, Magistrate may call upon Moplas of Umshum to be bound to deliver up such perpetrator, and on failure so to do, Magistrate, may with sanction of Government, levy from such Moplas such sum of money as Government may authorize.	

NOTE.—Section 11 provides that all fines and pecuniary liabilities incurred under this Act may be levied by a Magistrate under summary process in the same manner as the public revenue is realised by a Collector.

Section 12 provides that it shall be lawful for the Governor to withdraw from the operation of this Act any part or parts of the District of Malabar which he may have previously declared to be subject thereto under Section 2.

Section 2 provides that the Governor may, by proclamation published in Gazette, declare the whole or any part of District of Malabar to be subject to the operation of all or any of the provisions of this Act.

## MALABAR OFFENSIVE WEAPONS' ACT XXIV OF 1854.—To prohibit the possession of certain Offensive Weapons in Malabar.

1	2	3	4	5	6	7
Section.	Offence.	Whether the Police may arrest without warrant or not.	Whether a warrant or a summons may be issued in the first instance.	Whether bail-able or not.	Punishment according to Law.	By what Court triable.
2	Being found in possession of, or purchasing, selling, or manufacturing by any person, any offensive weapons, or any kind of arms, or any kind of weapons.	Shall not arrest without warrant.	Summons.	Bailable.	Fine of Rs. 50, or imprisonment of either kind for 6 months, or both.	Any Magistrate.

## MARRIAGES ACT XV OF 1872.—To consolidate and amend the law relating to the solemnization in India of the Marriages of Christians.

1	2	3	4	5	6	7
Section.	Offence.	Whether the Police may arrest without warrant or not.	Whether a warrant or a summons may be issued in the first instance.	Whether bail-able or not.	Punishment according to Law.	By what Court triable.
65	Intentionally making false oath, or signing false notice or certificate, for the purpose of procuring any marriage.	Shall not arrest without warrant.	Warrant.	Bailable.	Imprisonment of either kind for 3 years, or fine (under Section 193, Penal Code), or both.	Court of Session or Magistrate of 1st Class.
67	Forfeidding issue of certificate by Marriage Registrar by false personation.	do	do	do	Imprisonment of either kind for 3 years, or fine, or both.	do
68	A person not authorized to solemnize a marriage in the absence of a Marriage Registrar, knowingly solemnizing a marriage between persons, who are not Christians, or who are a Christian and a Christian.	May arrest without warrant.	do	Not bailable.	Imprisonment for 10 years and fine (under Section 193, Penal Code), or both, or for 7 years and upwards, transportation for not less than 5 years or more than 10 years, and fine. Or if offender be an European or American, he shall be liable under Act XXIV of 1855.	do
69	Solemnizing a marriage between persons, who are not Christians, or who are a Christian and a Christian, at any time other than between 6 A. M. and 7 P. M., or in the absence of at least two credible witnesses. (This Section does not apply to marriages solemnized under special license.)	do	do	do	Imprisonment for 3 years, and fine.	do
70	Any person solemnizing a marriage without notice, or when one of the parties in a minor and consent to marriage not obtained within 14 days after receipt of notice solemnizing marriage.	do	do	do	do	do
71	(1) Issuing certificate for marriage, or solemnizing marriage without publication of notice. (2) Solemnizing marriage after expiration of 2 months from issue of certificate.	do	do	do	Imprisonment for 5 years, and fine.	do

SCHEDULE OF LOCAL AND SPECIAL LAWS

## MARRIAGES' Act XV of 1872.—(Continued.)

1	2	3	4	5	6	7
Regulation.	Offence.	Whether the Police may arrest or not.	Warrant.	Whether bail-able or not.	Punishment according to Law.	By what Court triable.
71	(3) Solemnizing a marriage with minor within 14 days after receipt of notice of marriage without order of competent Court, or without the presence of 2 witnesses before the Marriage Registrar.	May arrest without warrant.	Warrant.	Not bailable.	Imprisonment for 5 years, and fine.	Court of Sessions or Magistrate of 1st Class.
72	Issuing certificate, the issue of which has been lawfully prohibited. Marriage Registrar issuing certificate for marriage after expiration of 3 months after notice has been entered by him or Issuing certificate for marriage of competent person before order of competent Court before 14 days after entry of notice, or issuing certificate, the issue of which has been lawfully prohibited. Person authorised to solemnize a marriage, and not being a Clergyman of the Churches of England, Scotland or Rome, issuing certificate of marriage, or solemnizing a marriage, after publication of notice, or after 2 months from issue of certificate ; or Issuing certificate for marriage, or solemnizing marriage when one of the persons is a minor, or before 14 days	do Shall not arrest without warrant.	do Summons.	do Bailable.	do Simple imprisonment for 1 year, or fine, or both.	do Magistrate of 1st or 2nd Class. do do Court of Sessions or Magistrate of 1st Class.
73		May arrest without warrant.	Warrant.	Not bailable.	Imprisonment for 4 years, and fine.	Court of Sessions or Magistrate of 1st Class.

**MINORS' Act XXI of 1855.**—For making better provision for the Education of male Minors, and the Marriages of male and female Minors, subject to the superintendence of the Court of Wards to the Presidency of Fort Saint George.

9	Aiding or abetting the marriage of a minor whose property is under supervision of Court of Wards, or the marriage of a younger brother or sister of such minor, without leave of Collector.	Shall not arrest without warrant.	Summons.	Reliable.	Fine not exceeding R. 2,000, or imprisonment of either kind not exceeding 6 months.	Any Magistrate.
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**MUNICIPALITIES (Mofussil) Act III of 1871 (Madras).—**To make better provision in the Presidency of Fort St. George, &c., &c.

We are extremely grateful to the following companies for their contribution to the project.					
21	Commissioners, or servants of Commissioners, being interested in any contract made with the Commissioners.	Shall not arrest without warrant.	Summons.	Fine of Rs. 500.	Any Magistrate.
66	Refusing to give evidence for or refuse to give evidence when called upon.	do	do	Penalty of Rs. 5.	do

## MUNICIPALITIES (Mofussil) Act III of 1871 (Madras).—(Continued).

1	2	3	4	5	6	7
Section.	Offence.	Whether the Police may arrest without warrant or not.	Whether a warrant or summons shall or summarily issued in cases of offence.	Whether bail-able or not.	Punishment according to Law.	By what Court triable.
67	Keeping a carriage or animal without a license.	Shall not arrest without warrant.	Summons.	Bailable.	A fine equal to the full amount in respect of carriage or animal, or a sum not exceeding Rs. 20.	Any Magistrate.
68	Owner of carriage kept for hire, failing to affix registration number assigned to such carriage.	do	do	do	Fine of Rs. 10.	do
69	Refusing to pay sum compounded for with livery stable-keepers and others keeping carriages or animals for hire.	do	do	do	Fine not exceeding three times the amount payable.	do
72	Refusing to produce before Commissioners after being duly summoned, or obstructing Commissioners from entering or inspecting stable, coach house, &c.	do	do	do	Penalty of Rs. 50.	do
75	Owning or keeping cart or other wheeled vehicle not on springs without registration, or failing to affix thereto the registration number.	do	do	do	Fine of Rs. 10 (Vehicle and animal drawing same may be seized, and if same not paid, may be sold and proceeds applied in payment of fine and costs.)	do
83	Illegally collecting tolls, and unlawfully and extortionately demanding or taking more than the lawful tolls, or unlawfully seizing or selling property, or extorting money or valuable thing, under color of this Act.	do	Warrant.	do	Imprisonment for 3 years, or fine, or both (under Section 334 Penal Code); or	Court of Session or Magistrate of 1st or 2nd Class.

94	Refusing or neglecting to give information to Registrar of Births and Deaths.	do	Summons.	do	Imprisonment for 1 year, or fine, or both (under Section 417 Penal Code); or	Magistrate of 1st or 2nd Class.
100	Committing a nuisance, or depositing any refuse or filth in a public place.	do	do	do	Imprisonment for 7 years, or fine (under Section 420 Penal Code); or	Court of Session or Magistrate of 1st or 2nd Class.
101	Removing sewage to flow on streets.	do	do	do	Penalty of Rs. 20.	Any Magistrate.
102	Removing rights soil, &c. contrary to notification of Commissioners.	do	do	do	do	do
103	Occupier of house not removing filth, &c.	do	do	do	Penalty of Rs. 10 and a further penalty of Rs. 10 for every day or part of a day during which offence is continued.	do
104	Owner or occupier of house, building, or land suffering same to be in a filthy or unsanctimonious state.	do	do	do	Fine of Rs. 50.	do
106	Holder of license for keeping, printing for public accommodation, or selling to others, counterfeits of licenses.	do	do	do	Fine of Rs. 10, and a further fine of Rs. 10 for every day or part of a day of default or breach of provisions of this section after notice.	do
107	Owner or occupier of house constructed in violation of any provision of this Act by Commissioners, or failing to shut it out from public view.	do	do	do	Penalty of Rs. 50.	do
111	Making drains, &c. contrary to Commissioners' orders, or constructing, rebuilding, or unsupervising any drains, &c. after order to the contrary.	do	do	do	Penalty of Rs. 10.	do
112	Turning rubbish, &c. into sewer not specially appropriated for such purposes.	do	do	do	Fine of Rs. 10.	do
116	Polluting water by bathing, &c.	do	do	do	do	do



## MUNICIPALITIES (Mofussil) Act III of 1871 (Madras).—(Continued.)

1	2	3	4	5	6	7
Section.	Offence.	Whether the Police may arrest without warrant or not.	Whether a summons shall or shall not be issued in the first instance.	Whether bail-able or not.	Punishment according to Law.	By what Court triable.
123	Slaughtering animal for sale in a licensed market without a license.	do	Summons.	Bailable.	Penalty of Rs. 10 for each day that new market is opened on.	Any Magistrate.
125	Opening a new market without a license.	do	do	do	Penalty of Rs. 50.	do
127	Selling unwholesome food or drink.	do	do	do	Penalty of Rs. 20 for every day after conviction during which offence is continued.	do
129	Using premises for offensive or dangerous trades without license.	do	do	do	Penalty of Rs. 50 and further penalty of Rs. 10 for every day after conviction during which trade is continued.	do
130	Carrying on offensive or dangerous trade without a license.	do	do	do	Fine of Rs. 50.	do
133	Burying or burning corpse in an unlicensed burial or burning ground.	do	do	do	do	do
134	Burying or burning corpse in a burial or burning ground after time appointed for closing same.	do	do	do	Penalty of Rs. 50, and further penalty of Rs. 10 for every day after conviction during which such use is continued.	do
136	Using place as a carstand or public halting-place for vehicles or cattle without license.	do	do	do	Penalty of Rs. 50.	do
138	Building or erecting obstructions in streets, &c.	do	do	do	Penalty of Rs. 50.	do

140	Taking up or altering pavements, &c., without authority.	do	do	do	do	do
141	Private person lying out new street without written permission.	do	do	do	Fine of Rs. 50.	do
146	Destroying or pulling down or erecting or pulling down or deducting numbers on licenses.	do	do	do	Penalty of Rs. 10.	do
148	Making roofs and external walls of huts or other buildings of inflammable materials without permission.	do	do	do	Penalty of Rs. 10 for each offence, and for every day such offence is continued after conviction.	do
152	Failing to obtain removal of license issued under Section 106 for keeping privies.	do	do	do	Fine of Rs. 50.	do
	Failing to obtain renewal of license issued under Section 123 for slaughter-house.	do	do	do	Fine of Rs. 10.	do
	Failing to obtain renewal of license issued under Section 125 for market.	do	do	do	Penalty of Rs. 10 for each day market is continued to be used.	do
	Failing to obtain renewal of license issued under Section 130 for offensive or dangerous trades.	do	do	do	Penalty of Rs. 50, and further penalty of Rs. 10 for every day during which trade is continued after conviction.	do
	Failing to obtain renewal of license issued under Section 133 for burial or burning ground.	do	do	do	Fine of Rs. 50.	do
	Failing to obtain renewal of license issued under Section 136 for carstand.	do	do	do	Penalty of Rs. 50, and further penalty of Rs. 10 for every day after conviction during which use is continued.	do

NOTE.—Section 153 prescribes procedure for enforcing penalties imposed under this Act.

Section 159 prescribes the periods of imprisonment to which the offender shall be liable in case of non-payment and non-recovery of fines and penalties.

Section 143 gives the Commissioners power to make bye-laws subject to confirmation by Governor in Council (Section 105), and to new dues and penalties for infringement of such bye-laws, provided that no fine or imprisonment shall exceed Rs. 20, and in case of continuing infringement, no fine shall exceed Rs. 10 for every day after written notice from Commissioners of such infringement.

1	2	3	4	5	6	7
Section.	Office.	Whether the Police may arrest without warrant or not.	Whether a warrant shall or should not be issued in the first instance.	Whether bail-able or not.	Punishment according to Law.	By what Court.
20	Unlawfully assuming functions of Police, or personating a Police Officer, &c.	Shall not arrest without warrant.	Summons.	Bailable.	Punalty of Rs. 500, or imprisonment of either kind for 6 months, or both.	Any Magistrate.
44	Police Officer being guilty of violation of duty, or breach of duty, or neglecting to perform duties without lawful excuse, or neglecting to perform duties without notice, or engaging in other than Police duties, or preferring false or frivolous charge, or wilfully exceeding his powers, &c.	do	do	do	Punalty not exceeding three months, or imprisonment of either kind for 6 months, or both.	do
45	Police Officer receiving unauthorised fees, gratuity, &c.	do	do	do	Punalty not exceeding three months, or imprisonment of either kind for 6 months, or both.	do
46	Police Officer extorting, seeking or obtaining bribe, or being guilty of corruption.	do	do	do	do	do
47	Assaulting or resisting Police Officer in the discharge of his duty, or preferring false charges against a Police Officer.	do	do	do	do	do
48 (1)	Slaughtered outside Police Officer in street, riding or driving recklessly and furiously, or teasing or breaking cattle near public road.	May arrest without warrant if the offender is committed within the limits of the Police Officer.	do	do	do	do
(2)	Wantonly or cruelly abusing or torturing any animal.	do	do	do	do	do

(3)	Causing inconvenience or danger to public by dumping cattle or manure in road, &c.	do	do	do	do	do
(4)	Exposing goods for sale on road so as to obstruct passengers.	do	do	do	do	do
(5)	Throwing filth, rubbish, &c., or causing obstruction on road, or committing offence by running into street.	do	do	do	do	do
(6)	Being found drunk and violent or insolent in thoroughfare.	do	do	do	do	do
(7)	Indecently exposing person, or committing nuisance near public street or thoroughfare, &c.	do	do	do	do	do
(8)	Not coming to fence in or protect well, tank, &c.	do	do	do	do	do

NOTE.—Clas 1 and 2, Madras Act V. of 1865, prescribe the procedure for recovery of forfeitures and penalties imposed under Act XXIV of 1859, and non-recovery of forfeitures or penalty.

Section 3, Madras Act V. of 1865, prescribes the periods of imprisonment to which the offender shall be liable in cases of non-payment of fines.

**POLICE, VILLAGE, Regulation XI of 1816.**—For the Establishment of a general system of Police throughout the Territories subject to the Government of Fort St. George.

**Regulation IV of 1831.**—For giving greater efficacy to the measures of Police established in the Provinces subordinate to the Presidency of Fort St. George.

10 (1)	Abusive language and insolent behaviour towards or assaults or affrays.	Shall not arrest without warrant.	Summons.	Bailable.	Confinement in the Village choultry for a time not exceeding 12 hours, or if offending parties shall be of different castes, for a time not put to the test, or for a time not exceeding 6 hours.	Head of the village.
10 & 11 (1)	Party thefts not attended with aggravating circumstances, nor committed by a person of notorious character, nor where the value of the property stolen does not exceed 1 Madras Rupee.	do	do	do	do	do

## PORTS AND PORT DUES ACT XII of 1875.—To consolidate and amend the law relating to Ports and Port Dues.

Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or summons shall be issued in the first instance.	5 Whether bail-able or not.	6 Punishment according to Law.	7 By what Court triable.
9	Willfully refusing or neglecting to obey any lawful order of Conservator of Port after notice.	Shall not arrest without warrant.	Summons.	Bailable.	Fine of Rs. 100, and further fine of Rs. 100 for every day of disobedience continues.	Magistrate of Police.
11	Causing obstruction or impeding navigation, or causing any public nuisance likely to affect navigation.	do	do	do	Fine of Rs. 100, and expenses of removal.	do
14	Refusing to alight from any boat or mooring for the purpose of landing or getting clear from the same without the assistance of Conservator.	do	do	do	Fine of Rs. 100.	do
16	Master of vessel or any person in occupation of landing or place refusing to allow authorised officer to board or enter and landing or place in discharge of his duty.	do	do	do	Fine of Rs. 200.	do
17	Master of ship refusing or neglecting to comply with Conservator's order to place at his disposal part of crew to prevent or extinguish fire.	do	do	do	Fine of Rs. 500.	do
20	Seaman refusing to obey Conservator's orders after being directed by Master of vessel.	do	do	do	Fine of Rs. 25.	do
	Lifting, hijacking, lussening or setting adrift public boat, bescow, or mooring.	do	do	do	Fine of Rs. 2,000, or imprisonment for 2 years, and payment of damages.	do

21	Willfully hoisting or removing any vessel from her moorings without leave or authority from owner.	do	do	do	Fine of Rs. 200, or imprisonment for 6 months.	do
22	Improperly discharging ballast.	do	do	do	Fine of Rs. 500 and expenses.	do
	Refusing to discharge ballast after notice from Conservator to do so (against Master).	do	do	do	Simple imprisonment for 2 months.	do
23	Graving, sawing, or smoking vessel contrary to orders of Conservator or within prohibited limits.	do	do	do	Fine of Rs. 500.	do
24	Boiling or heating combustible material on board of vessel contrary to orders of Conservator or within prohibited limits.	do	do	do	Fine of Rs. 200.	do
25	Drawing off spirits on board by unprotected artificial light.	do	do	do	do	do
26	Master of vessel neglecting or refusing to permit entry of authorised officer to board or enter and allowing escape to be got before being required to do so.	do	do	do	do	do
27	Master allowing warp or hawser attached to his vessel to be left out at night, so that it may strike any vessel, or person in port.	do	do	do	do	do
34	Master having gunpowder on board contrary to provisions of this Act.	do	do	do	Fine of Rs. 200, and gunpowder shall be forfeited.	do
35	Improperly discharging guns or other fire arms in port or on or from landing.	do	do	do	Fine of Rs. 50.	do
36	Master omitting to take order to extinguish fire on vessel in port.	do	do	do	Imprisonment for 6 months, or fine of Rs. 1,000, or both.	do
38	Vessel in certain cases moving in port without pilot, &c. (against Master).	do	do	do	Fine of Rs. 200.	do
39	Master of vessel above 200 tons, neglecting to visit the Conservator for extinguishing fire after requisition by Conservator.	do	do	do	Fine of Rs. 500.	do

1	2	3	4	5	6	7
Section.	Offence.	Whether the Police may arrest without warrant or not.	Whether a warrant shall ordinarily issue in the first instance.	Whether liable or not.	Punishment according to Law.	By what Court triable.

**POST OFFICE ACT XIV of 1866**—To amend the law for the management of the Post Office, for the regulation of the duties of Postage, and for the punishment of offences against the Post Office.

31	Commander of vessel arriving in British India, neglecting to deliver mails at Post Office, or neglecting to report to Post Master at place of arrival, that there are mails on board directed to some other place.	do	do	Bailable.	Penalty of Rs. 500 (and liable to dismissal from appointment.)	Magistrate of Ist or 2nd Class, or Magistrate of Police.
32	Commander of inward-bound vessel, or of vessel bound, bent in, or proceeding to any place, neglecting to deliver any letter not sent to the Post Office, after any part of the letters on board have been sent to Post Office.	do	do	do	Penalty not exceeding Rs. 50 for every such letter.	do
33	Denying such letter after demand by officers of Post Office.	do	do	do	Penalty not exceeding Rs. 100 for every such letter.	do
34	Commander of outward-bound vessel refusing to receive mails on board when required so to do by an officer of the Post Office.	do	do	do	Fine not exceeding Rs. 1,000.	Any Magistrate.

39	Breach of rules made by Governor, commanding stations of vendors of postage stamps.	do	do	do	Fine not exceeding Rs. 200.	do
40	Vendor of stamps refusing or delaying to furnish postage stamps.	do	do	do	Fine not exceeding Rs. 100.	do
41	Vendor of stamps taking a higher price than the value denoted on the stamps sold.	do	do	do	Imprisonment of either kind for two years, or fine of Rs. 100, or both, at the discretion of the court, in excess.	do
42	Sending dangerous substances by Post.	do	do	do	Fine of Rs. 200.	do
43	Making false certificate in order to defraud Post Office, and sending private letter, &c. under color of official communications.	do	do	do	Fine of Rs. 500.	do
44	Detaining Post Office messengers, &c. carrying mails, or opening mail bags.	do	do	do	do	do
45	Immediately retaining or securing letters, &c. delivered by mail.	do	do	do	Imprisonment of either kind for two years, or fine of Rs. 100, or both, at the discretion of the court, in excess.	do
(1)	Conveying otherwise than by post letter not exempted from privilege.	do	do	do	Penalty of Rs. 50 for every letter so conveyed.	do
(2)	Performing otherwise than by Post any services incidental to conveying letters.	do	do	do	Penalty of Rs. 50 for every letter.	do
(3)	Making clubbed packet, or tendering or delivering letter to be sent therein.	do	do	do	Penalty of Rs. 50 for every such letter.	do
(4)	Receiving letter in breach of privilege, or delivering letter to be so sent.	do	do	do	do	do
(5)	Collecting excepted letters to send them otherwise than by Post.	do	do	do	do	do
(6)	Carrying, receiving, delivering, or conveying letters contrary to Sections 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.	do				
(7)	Being in the practice of doing any of the acts mentioned in this section.	do	do	do	Penalty of Rs. 50.	do
47	Person employed to deliver mails being drunk, careless, or negligent in the discharge of his duties.	do	do	do	Further fine of Rs. 500 for every week during which practice continues.	do



## POST OFFICE ACT XIV of 1868—(Continued.)

Section.	Offence.	3	4	5	6	7
		Whether the Police may arrest without warrant or not.	Whether a warrant or a summons shall or directly issue in the first instance.	Whether bail-able or not.	Punishment according to Law.	By what Court triable.
48	Person employed to deliver mails making a false report to Post Office seal.	Shall not arrest without warrant.	Summons.	Bailable.	Fine of Rs. 50.	Any Magistrate.
49	Person employed to deliver mails, according to directions, destroying, or tampering with, or mutilating, or breaking open any letter, &c.	May arrest without warrant.	Warrant.	Not bailable.	Imprisonment of either kind for 7 years, and fine.	do
50	Post Office employee fraudulently putting wrong mark on letter, &c., or putting altering mark or stamp, or putting upon one letter, &c. stamp removed from another, or tampering with post-ages, or tampering with any other property of the Post Office.	do	do	do	Imprisonment of either kind for 2 years, and fine.	do
51	Post Office employee fraudulently pressing document incorrectly, or altering, secreting or destroying document.	do	do	Bailable.	do	do
	Post Office employee sending by post letter, &c. on which postage has not been paid or charged, with intent to defraud.	do	do	do	do	do

Note.—Under Section 52, whoever abets, or conceals any offence made punishable by this Act, shall be punished with the punishment provided for such offence.

Section 55 prescribes the procedure for recovery of fines imposed, and the periods of imprisonment to which the offender shall be liable on non-payment and non-recovery.

## PRINTING PRESSES ACT XXV of 1867.—For the regulation of Printing-Presses and Newspapers, for the preservation of copies of books printed in British India, and for the regulation of such books.

		3	4	5	6	7
		Shall not arrest without warrant.	Summons.	Bailable.	Fine of Rs. 5,000, or simple imprisonment for 2 years, or both.	Mag. of Ist Class, Police Magistrate, or Mag. of the Peace.
12	Printing or publishing a book or paper without name of printer or place of printing.	do	do	do	do	do
13	Keeping a printing press without licence of the Government.	do	do	do	do	do
14	Making a false statement in any declaration under the authority of this Act.	do	do	do	do	do
15	Printing or publishing a periodical without conforming to the rules or known regulations.	do	do	do	do	do
16	Printing or publishing a book or paper without conforming to the rules or known regulations.	do	do	do	do	do

Note.—Section 17 prescribes the procedure for recovery of pecuniary penalties imposed under this Act.

## PRISONERS' ACT V of 1871.—To consolidate the laws relating to Prisoners confined by order of a Court.

		3	4	5	6	7
		May arrest without warrant.	Warrant.	Not bailable.	Fine of Rs. 5,000, or simple imprisonment for 2 years, or both.	Mag. of Ist Class, Police Magistrate, or Mag. of the Peace.
24	Convict sentenced to penal servitude, violating conditions of licence granted by Government.	do	do	do	do	do
25	Convict sentenced to penal servitude, violating conditions of licence granted by Government.	do	do	do	do	do

## PRISONERS' ACT V of 1869 (Madras).—For the regulation of jails within the Presidency of Fort Saint George, and for the enforcement of discipline therein.

		3	4	5	6	7
		...	...	...	...	...
11 (2)	Contumacious refusal to work, or wilful neglect and indifference in the performance of any prescribed work.	...	...	...	...	...
						Stripes not exceeding 60 with castor-oil sauce tails, and in case of pertinacious refusal to work, diet to be reduced until work improves.
						Superintendent of Jails.

## PRISONS' Act V of 1909 (Madras).—(Continued.)

1	2	3	4	5	6	7
Section.	Offence.	Whether the Police may arrest without warrant or not.	Whether warrants shall or shall not issue in the first instance.	Whether bailable or not.	Punishment according to Law.	By what Court triable.
(3)	Willful disobedience of rules, refractory behaviour, or disorderly conduct.	...	...	...	Stripes with a cat-o'-nine tails not exceeding 150 stripes, or separate confinement not exceeding 7 days, or restriction of diet.	Superintendent of Jails.
11	Taking or attempting to take into jail spirituous or fermented liquors, or intoxicating drugs, or tobacco, or weapons or tools, or communicating or attempting to communicate with prisoners confined in jail, without due permission.	Shall not arrest without warrant.	Summons.	Bailable.	Fine not exceeding Rs. 50, or imprisonment for 2 months.	Any Magistrate.
15	Conveying, or attempting to convey to any person employed outside the jail, any prohibited articles, or communicating, or attempting to communicate with any prisoner so employed, without due permission.	do	do	do	do	do

## QUARANTINE Act I of 1970.—To provide Rules relating to Quarantine.

1	2	3	4	5	6	7
Section.	Offence.	Whether the Police may arrest without warrant or not.	Whether warrants shall or shall not issue in the first instance.	Whether bailable or not.	Punishment according to Law.	By what Court triable.
(3)	Knowingly disobeying any Quarantine rule.	Shall not arrest without warrant.	Summons.	Bailable.	Imprisonment of either kind for 6 months, or fine, or both, (Sec. 271 Indian Penal Code.)	Magistrate of 1st or 2nd Class.

## RAILWAYS' Act XVIII of 1954.—Relating to Railways in India.

1	2	3	4	5	6	7
Section.	Offence.	Whether the Police may arrest without warrant or not.	Whether warrants shall or shall not issue in the first instance.	Whether bailable or not.	Punishment according to Law.	By what Court triable.
3	Person attempting to forcibly travel, being without payment of fare, or by riding in higher class than paid for, or by going beyond distance paid for, or by travelling at night, or by travelling at termination of distance paid for, or by travelling without attempting to evade payment of fare.	Shall not arrest without warrant.	Summons.	Bailable.	Fine of Rs. 50.	Magistrate of 1st or 2nd Class.
4	Entering or attempting to enter, or quitting or attempting to quit carriage in mid-air, or riding or attempting to ride in a carriage without having paid for the ticket, or in a baggage van or goods or tender, or in luggage van or goods wagon without licence.	do	do	do	do	do
5	Smoking in railway premises or in carriages, or in places or carriages specially provided.	do	do	do	do	do
6	Being intoxicated or committing nuisance or act of indecency, or interfering with comfort of passenger.	do	do	do	do	do
7	Male person entering carriage or room, or female person entering carriage or room, or remaining there after being warned.	do	do	do	do	do
8	Owner or custodian of goods brought to be carried by railway, failing to give receipt on demand, or giving a false receipt.	do	do	do	do	do
14	Carrying, or delivering for carriage by railway, luggage or goods of a dangerous nature, without marking their nature on package or giving notice.	do	do	do	do	do

## SCHEDULE OF LOCAL AND SPECIAL LAWS.

1	2	3	4	5	6	7
Section.	Offence.	Whether the Police may arrest without warrant or not.	Whether a warrant or summons shall or may be issued in the first instance.	Whether bail-able or not.	Punishment according to Law.	By what Court triable.
16	Obstructing or impeding railway officer or servant in discharge of his duty.	Shall not arrest without warrant.	Summons.	Bailable.	Fine of Rs. 50.	Magistrate of 1st Class or Assistant Magistrate empowered by Government to sit without reference by Magistrate.
17	Trespassing on railway premises, banks, &c.	do	do	do	Fine of Rs. 20.	do
"	Refusing to leave railway premises, &c., when trespasser being requested to do so by railway servant.	do	do	do	Fine of Rs. 50 (Offender may be removed from premises).	do
19	Owner or person in charge of cattle, allowing them to trespass or stray on railway provided with fence.	do	do	do	Fine of Rs. 10 for each animal, in addition to fine under Cattle Trespass Act.	do
(Act 25 of 1871.)	Willfully driving, or knowingly permitting, a cow or other animal on railway premises, or on any fence available for exclusion of cattle, otherwise than for crossing of railway at gate or bar provided for public use.	do	do	do	Fine of Rs. 50 for each animal, in addition to fine under Cattle Trespass Act.	do
20	Willfully and unlawfully removing or extinguishing lamps, or damaging carriage, engine, &c., or any other thing belonging to railway.	do	do	do	Fine of Rs. 50.	do

## SCHEDULE OF LOCAL AND SPECIAL LAWS.

23	Opening gate, or passing, or attempting to pass, over railway when engine or train is in sight, or omitting to shut or fasten gate.	do	do	do	Fine of Rs. 50.	do
25	Willfully doing an act, or omitting to do an act tending to cause, or knowing and not being likely to cause the safety of any person travelling or being upon railway to be endangered.	May arrest without warrant.	Warrant.	Not bailable.	Transportation for life, or imprisonment of either kind for 7 years.	Court of Session or Magistrate of 1st Class.
26	Breach of rule or regulation sanctioned by Governor-General.	do	Summons.	Bailable.	Fine of Rs. 50 or in default of payment, imprisonment of either kind for 3 months.	Magistrate of 1st Class or Assistant or Deputy Magistrate empowered by Government to sit without reference by Magistrate.
(Vide Act 23 of 1871.)						
27	Officer or servant of railway being intoxicated on duty, or negligently performing his duty, or negligently performing his duty, or performing duty in an improper manner.	do	do	do	Fine of Rs. 50.	Magistrate of 1st or 2nd Class.
"	Officer or servant of railway being intoxicated on duty, or negligently performing his duty, or negligently performing his duty, or performing duty in an improper manner: if omission or negligent performance of duty is likely to endanger safety of person travelling or being upon railway.	do	do	do	Imprisonment of either kind for 1 year, or fine, or both.	Magistrate of 1st or 2nd Class.
28	Rashly or negligently, and without lawful excuse, doing an act likely to endanger safety of person travelling or being upon railway.	do	do	do	do	do

## RAILWAYS' Act XVIII of 1854.—(Continued.)

1	2	3	4	5	6	7
Section.	Offences.	Whether the Police may arrest without warrant or not.	Whether a warrant or summons shall be issued in the offence.	Whether bail-able or not.	Punishment according to Law	By what Court triable.
29 ( vide Act 20 of 1871.)	Officer or person employed upon railway, who endangers safety of any person by disobeying any general rule or regulation under Section 26, by disobeying any rule or order not inconsistent with general rules, and which he is bound to obey, or by any rash or negligent act or omission.	May arrest without warrant.	Warrant.	Not bailable.	Imprisonment of either kind for 8 years, or fine of Rs. 500, or both.	Magistrate of 1st Class.
41	Railway Company omitting to report accident within 48 hours	Shall not arrest without warrant.	Summons.	Bailable.	Fine of Rs. 50 for every day during which omission shall continue.	Magistrate of 1st Class or Assistant or Deputy Magistrate empowered by Government to exercise powers with- out reference by Magistrate.
42	Railway Company omitting to furnish return of accidents within 14 days after same shall have been required.	do	do	do	Fine of Rs. 50 for every day neglect to deliver return.	do

NOTE.—Section 34 prescribes the procedure for recovery of fines imposed under this Act, and the periods of imprisonment to which the offender shall be liable in case of non-payment and non-recovery of fines. The provisions of the Presidency of Madras, may punish, to the extent of the powers conferred upon them respectively, in petty offences, any offence hereby made punishable by fine not exceeding Rs. 20.

## RAILWAYS AND OTHER PUBLIC WORKS' Act IX of 1880.—To make provision for the speedy determination of certain disputes between workmen engaged in Railway and other public works, and their employers.

8	Whether the workman shall be allowed to refuse to perform work stipulated for by any person voluntarily engaging for a stipulated period to work on a railway, canal, or other public work, the construction of which is sanctioned by Parliament or by any assembly.	Summons.	Bailable.	Fine not exceeding Rs. 20.	Magistrate or other officer exercising the powers of a Magistrate only empowered by Government under the Act.
"	Willfully and without lawful excuse, able excuse, neglecting or refusing to perform work stipulated for by any person voluntarily engaging for a stipulated period to work on a railway, canal, or other public work, the construction of which is sanctioned by Parliament or by any assembly.	Shall not arrest without warrant.	Bailable.	Fine not exceeding Rs. 20.	Magistrate or other officer exercising the powers of a Magistrate only empowered by Government under the Act.
"	Failing to comply with order of Magistrate to perform, or get performed, work according to contract.	do	do	Imprisonment of either kind not exceeding 2 months.	do

NOTE.—This Act shall take effect only in those Districts or places to which it shall be extended by order of the Governor-General of India in Council, or of the executive government of any Presidency or place.

## RECRUITMENT IN BRITISH INDIA FOR SERVICE OF FOREIGN STATES' Act IV of 1874.—To extend the provisions of the British India for the service of Foreign States.

6a	In violation of prohibition of Governor General inducing, or attempting to induce any person to accept, or agree to accept, any commission or employment in service of Foreign State.	May arrest without warrant.	Warrant.	Not bailable.	Imprisonment for 7 years, or fine, or both.	Session Judge or Magistrate of 1st Class.
6b	In violation of prohibition of Governor General, knowingly adding in the engagement of any person to induce, or attempting to induce, or in any other way whatsoever.	do	do	do	do	do



## REGISTRATION ACT VIII of 1871.—To provide for the Registration of Documents.

1	2	3	4	5	6	7
Section.	Offence.	Whether the Police may arrest without warrant or not.	Whether a warrant or summons shall or shall not directly issue in the case in question.	Whether bail-able or not.	Punishment according to Law.	By what Court triable.
79	Registering Officer, or person employed in his office, endorsing, copying, falsifying, or registering a document in an incorrect manner, or permitting thereby to cause injury.	May arrest without warrant.	Warrant.	Not bailable.	Imprisonment of either kind for 7 years, or fine, or both.	Magistrate of 1st or 2nd Class.
80a	Intentionally making a false statement before a Registering Officer.	do	do	do	do	do
b	Intentionally delivering to Registering Officer in any proceeding under the Act a document, or translation of a document, or a false copy of map or plan.	do	do	do	do	do
c	Falsely procuring another, and in such assumed character presenting any document, or making admission or statement, &c., or doing any other act in proceedings under this Act.	do	do	do	do	do
d	Abetting offences punishable under this Act.	do	do	do	do	do

NOTE.—Section 81 prescribes the procedure for recovery of fines imposed under this Act.

## RENT RECOVERY ACT VIII of 1885 (Madras).—To consolidate and improve the Laws which define the process to be taken for the Recovery of Rent.

26	Defaulter making a fraudulent conveyance of property to prevent distress of arrears of rent.	Shall not arrest without warrant.	Summons.	Bailable.	Imprisonment of either kind for 2 years, or fine, or both (under Section 424, Indian Penal Code).	Magistrate of 1st or 2nd Class.
30	Entering the apartments of women, or forcing open the outer door of dwelling houses contrary to the provisions of the Act.	do	do	do	Fine not exceeding Rs. 200, or imprisonment of either kind not exceeding 6 months.	Any Magistrate.

## REVENUE RECOVERY ACT XII of 1881.—For securing the Land Revenue of Madras.

13	Obstructing or molesting the Collector or subordinate officers in execution of their duty.	Shall not arrest without warrant.	Summons.	Bailable.	Fine not exceeding Rs. 500, or imprisonment in common jail not exceeding 6 months or both.	Magistrate of the Town of Madras.
14	Contempt committed in open military or office, in presence of Collector.	do	do	do	Fine not exceeding Rs. 200, and in default of payment, imprisonment in common jail not exceeding 1 month.	The Collector of Madras.

## REVENUE RECOVERY ACT II of 1864 (Madras).—To consolidate the Laws for the Recovery of Arrears of Revenue in the Madras Presidency.

16	Defaulter making a fraudulent conveyance of property to prevent the distress of arrears.	Shall not arrest without warrant.	Summons.	Bailable.	Imprisonment of either kind for 2 years, or fine, or both (under Section 424, Indian Penal Code).	Magistrate of 1st or 2nd Class.
21	Entering the apartments of women, or forcing open the outer-door of dwelling houses contrary to the provisions of the Act.	do	do	do	Fine not exceeding Rs. 500, or imprisonment of either kind not exceeding 6 months.	Any Magistrate.



## ROAD CESS Act III of 1868 (Madras).—For the levy of a District Road Cess.

1	2	3	4	5	6	7
Section.	Offence.	Whether the Police may arrest without warrant or not.	Whether a warrant or a summons shall or shall not be issued in the first instance.	Whether bail-able or not.	Punishment according to Law.	By what Court triable.
7	Land-holder failing to furnish to the Collector of the District list of lands within 6 months after requisition made.	Shall not arrest without warrant.	Summons.	Bailable.	Fine not exceeding Rs. 50 for each day's delay until list be furnished, or until annual rent-value of land-holder's lands shall have been fixed by Collector.	The Collector of the District.
10	Obstructing revenue officer when making examination of lists furnished by land-holders, &c.	do	do	do	Imprisonment of either kind for 3 months, or fine of Rs. 1st or 2nd Class, 500, or both.	Magistrate of 1st or 2nd Class.

NOTE.—Section 1 provides that it shall be lawful for the Government in Council by notification in the *Fort St. George Gazette* to declare the provisions of this Act applicable to any district or to any part of any district situated within the Presidency of Madras, and the Act shall come into force in such locality on the date fixed in such notification.

## SALT ACT VI of 1871 (Madras).—To enable the Government to levy a duty by way of Excise on Salt manufactured in such Districts of the Presidency of Fort Saint George as the Government may think proper.

4	Summons.	Bailable.	Any Magistrate.
Manufacturing or attempting to manufacture salt without a licence or violating conditions of licence or knowingly aiding any person in so doing.	Shall not arrest without warrant.		Imprisonment of either kind for 3 months or fine of Rs. 500 or both, & in default of payment of either kind for 3 months.
Printers of hand and others wilfully omitting to give notices of unlicensed salt works.	do	do	Fine of Rs. 500.

15. **Excise.**  
 Forfeiture of duties imposed by this Act.  
 Re-levying salt without necessary permits.  
 Importing salt by a route or at a port not legally sanctioned.  
 Passing salt imported without proper certificates.  
 Fraudulently making, purchasing, obtaining, possessing, selling, or weighing salt.  
 Attempting to commit any of the above offences, or aiding in such commission or attempt.  
 Police officer vexatiously & unreasonably entering into houses, &c., or committing any offence in the execution of his duty, or any other offence in execution of his duty.

NOTE.—This Act shall take effect in any and every such district, or part of a district, as the Government shall from time to time appoint by Notification published in the *Fort St. George Gazette*.

(Section 45.)

6	Summons.	Bailable.	Magistrate of 1st Class or Police Magistrate.
Manufacturing or refining salt-petre, or separating or purifying any salt obtained in the process, without a licence; or, selling licensed only to manufacture the salt-petre, or refining the same, or being licensed to manufacture and refine salt-petre, allowing any salt separated in the manufacture of salt-petre, to be removed without payment of full amount of duty.	Shall not arrest without warrant.		Fine not exceeding Rs. 500 (Act 33 of 1867), and on non-payment, imprisonment of either kind for 6 months.

NOTE.—Sections 12 and 14 prescribe the procedure for recovery of forfeitures and penalties imposed under this Act. Section 15 prescribes the periods of imprisonment to which the offender shall be liable in case of non-payment and non-recovery of forfeiture or penalty. Section 16 prescribes the mode of execution of the sentences of imprisonment and fine, and the amount of the fine shall be levied in the manner provided for the execution of decrees of the Civil Court.

SCHEDULE OF LOCAL AND SPECIAL LAWS.

1	2	3	4	5	6	7
Section.	Offence.	Whether the Police may arrest without warrant or not.	Whether a warrant or a summons shall or shall not be issued in the case.	Whether bail-able or not.	Punishment according to Law.	By what Court triable.
7	Shipping Master, or employe in shipping office, taking remuneration other thanwards of the Master or Mate going to sea without certificate of competency, and any person employing Master or Mate without certificate of competency.	do	do	Bailable.	Penalty of Rs. 200.	Magistrate 1st Class.
13	Engaging or supplying seamen to be entered on board without license for employing said seamen for purpose of engaging or supplying seamen.	do	do	do	Penalty of Rs. 500.	do
19 (1)	Knowingly receiving or accepting to be entered on board seamen illegally engaged or supplied.	do	do	do	Penalty of Rs. 100 for each seaman engaged.	do
(2)	Receiving remuneration from seaman other than authorized fees for providing him with employment.	do	do	do	Penalty of Rs. 100 for each seaman engaged, and if licensed, forfeiture of license.	do
20	Employing on board seaman without agreement duly executed.	do	do	do	Penalty of Rs. 50.	do
28	Master of foreign going ship omitting to report changes in crew before finally leaving India.	do	do	do	do	do
29	Obstructing Shipping Master in mustering seamen on board.	do	do	do	Penalty of Rs. 100.	do

SCHEDULE OF LOCAL AND SPECIAL LAWS.

31 (4)	Master of foreign going ship failing to deliver to Shipping Master agreement with crew at the time and in the manner prescribed.	do	do	do	Penalty of Rs. 50.	do
32 (3)	Master or owner of home-trade ship failing to deliver to Shipping Master agreement with crew at the time and in the manner prescribed.	do	do	do	do	do
34	Master omitting to have copy of agreement with crew and part of ship as to wages accessible to crew.	do	do	do	do	do
41	Master or owner of foreign going ship discharging seamen or paying their wages otherwise than in the presence of Shipping Master.	do	do	do	Penalty of Rs. 100.	do
42	Master failing to deliver account of wages before paying off or discharging seaman.	do	do	do	Penalty of Rs. 50.	do
43	Master failing to sign and give to seaman certificate of discharge.	do	do	do	Penalty of Rs. 100.	do
44	Master failing to return certificate of discharge to seaman.	do	do	do	Penalty of Rs. 200.	do
45	Owner, Agent, Master, Mate, or other member of crew, failing to produce papers or documents, or to give evidence before Shipping Master when called upon.	do	do	do	Penalty of Rs. 50.	do
61	Master failing to take charge of money or other valuables on board, or to make entries in log book in respect thereof, or to pay money or deliver effects to Shipping Master after arrival.	do	do	do	Penalty not exceeding treble the value of money or effects, or if value not ascertained, not exceeding Rs. 500.	do
64	Master failing to provide provisions or other necessaries for the crew, or to furnish quantity of any signified to be insufficient, or using provisions or water signified to be unfit for use.	do	do	do	Penalty of Rs. 500.	do



## SHIPPING (MERCHANT) ACT I of 1859.—(Continued.)

Section.	3	3	4	5	6	7
	Offence.	Whether the offence is committed without or with warrant or not.	Whether arrested or not.	Whether bail-able or not.	Punishment according to Law.	By what Court triable.
			Summons.	Bailable.		Magistrate of 1st Class.
67	Owner or Master failing to have on board medicines and appliances suitable for use in case of accidents.	Shall not arrest without warrant.	do	do	Penalty of Rs. 200.	do
68	Master failing to keep weights and measures on board for purpose of determining quantities of provisions served out.	do	do	do	Penalty of Rs. 100.	do
70 (2)	Owner failing to provide suitable places of shelter for crew.	do	do	do	Penalty of Rs. 200.	do
71	Master failing to keep provisions reserved for crew from goods and stores.	do	do	do	Penalty of Rs. 100.	do
72	Master failing to allow seaman to go ashore to make complaint to Magistrate.	do	do	do	do	do
75	Master failing to recruit from seamen payment for board and lodging in excess of what is allowed by law.	do	do	do	Penalty of Rs. 100, and in addition, value of effects may be ordered to be paid.	do
76	Unlawfully detaining or absconding with seaman's effects.	do	do	do	Penalty of Rs. 200.	do
77	Going on board before final arrival of ship without permission.	May arrest without warrant.	do	do	Penalty of Rs. 50.	do
78	Soliciting seaman on board to become a lodger at the house of lodging-house keeper, or taking from him the effects of seaman without permission.	Shall not arrest without warrant.	do	do		do

1859.

79	Master or seaman by breach or neglect of duty or misconduct, doing any act tending to serious damage of ship, or to endanger life or limb of any person on board.	do	do	do	Imprisonment of either kind for 2 years.	do
83 (1)	Desertion by seaman.	May arrest without warrant.	do	do	Imprisonment for 12 weeks, and forfeiture of effects and wages.	do
83 (2)	Seaman neglecting to join ship or proceed to sea, or absence without leave.	do	do	do	Imprisonment of either kind for 10 weeks and forfeiture of 2 days' pay, and fine of every 24 hours for each day of absence, and expenses properly incurred in hiring substitutes.	do
83 (3)	Seaman quitting ship without leave after arrival, and before she is placed under command.	do	do	do	Penalty not exceeding 1 month's pay out of his wages.	do
83 (4)	Willful disobedience by seaman to lawful command.	Shall not arrest without warrant.	do	do	Imprisonment of either kind for 4 weeks, and forfeiture out of wages of a sum not exceeding 2 days' pay.	do
83 (5)	Continued willful disobedience by seaman to lawful command, or continued wilful neglect of duty.	do	do	do	Imprisonment of either kind for 4 weeks, and forfeiture out of wages of a sum not exceeding 2 days' pay, and fine of every 24 hours of disobedience or neglect, of 6 days' pay or expenses of substitute.	do
83 (6)	Seaman assaulting Master or Mate.	do	do	do	Imprisonment of either kind for 12 weeks.	do
83 (7)	Seaman combining with others of the crew to disobey lawful commands, or neglect duty or impede navigation of ship or progress of voyage.	do	do	do	do	do
83 (8)	Willfully damaging ship, or embelazing or damaging stores or cargo.	do	do	do	Imprisonment of either kind for 12 weeks, and forfeiture out of wages of amount of loss sustained.	do

## SHIPPING (MERCHANT) ACT I of 1859.—(Continued.)

Section.	2	3	4	5	6	7
	Offence.	Whether the Police may arrest without warrant or not.	Whether warrants shall ordinarily issue in the first instance.	Whether bail-able or not.	Punishment according to Law.	By what Court triable.
			Summons.	Bailable.	Punishment of such a sum as is sufficient to reimburse loss or damage.	Magistrate of 1st Class.
83 (a)	For any act of smuggling, of which seaman is convicted, and whereby loss or damage is occasioned to Master or owner.	Shall not arrest without warrant.	do	do	Penalty of Rs. 50.	do
95	For making, before engagement, fraudulently making false statement of name of last ship, or of his own name.	do	do	do	Penalty not exceeding 6 times the amount of the fine retained.	do
96	Master neglecting or refusing to pay over fine in prescribed manner, when deducted from wages of seaman.	do	do	do	Penalty of Rs. 100.	do
97	Permitting seaman to neglect to join ship, or to desert, or otherwise to absent himself from the ship.	do	do	do	do	do
"	Willfully harbouring or secreting seaman who has deserted or refused to join.	do	do	do	Penalty of Rs. 200, or imprisonment of either kind for 4 weeks.	do
98	Obtaining passage surreptitiously.	do	do	do	Penalty of Rs. 1,000.	do
99	Master failing to deliver to his successor documents relating to navigation of ship and to crew.	do	do	do	Penalty of Rs. 50.	do
107 (1)	For not presenting official log book in prescribed manner.	do	do	do	Penalty of Rs. 300.	do
" (2)	Making in official log book any entry as to occurrence happening before arrival of ship at final port of discharge, more than 24 hours after arrival.	do	do	do	do	do

(3) Destroying or mutilating entry in official log book, or making false or fraudulent entry therein.

Master or owner refusing or neglecting to deliver official log book to Shipping Master at final port of destination.

Master or owner failing to deliver to Shipping Master official log book in case of transfer of ownership or change of employment.

Master or owner failing to deliver to Shipping Master official log book when ship abandoned or lost.

do

do

do

do

do

do

Imprisonment of either kind for 1 year.

Penalty of Rs. 200.

Penalty of Rs. 100.

do

do

## SHIPPING (MERCHANT) ACT IV. of 1875.—For the further amendment of Act No. 1 of 1859, and for other purposes.

3	Master, Pilot, Harbour-Master, or other persons in charge of ship, failing to give notice to Shipping Master, on demand, or neglecting to do so, a copy of the official log book, or as to loss caused to one ship by another, or as to loss of life ensuing by reason of casualty happening on board.	Shall not arrest without warrant.	Summons.	Bailable.	Fine of Rs. 500, and in default of payment for 3 months.	Magistrate of 1st Class.
19	Master, Mate, or Engineer, whose certificate is cancelled or suspended, failing to deliver certificate to Shipping	do	do	do	Penalty of Rs. 500.	do

**SHIPS' (REGISTRATION OF) ACT X of 1841.—For prescribing Rules to be observed in order that Ships or Vessels belonging to Ports within the Territories under the Government of the East India Company, or belonging to Native Princes or States, or their subjects, may become entitled to the Privileges of British Ships under a Protection of the Governor-General made in pursuance of the Statute 3 & 4th Victoria, Chapter 46.**

2	Owner or Master, or other person having charge of ship, failing to deliver to the Registrar of Shipping a copy of the official log book, or failing to have same registered within reasonable time after arrival at port of registry.	Shall not arrest without warrant.	Summons.	Bailable.	Penalty not exceeding Rs. 5,000.	Judges of Peace or Magistrate of 1st Class (Act 4 of 1875, Sec. 80)
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SHIPS' (REGISTRATION OF ACT X of 1941—(Continued)).

Section.	2	3	4	5	6	7
	Offence.	Whether the Police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bail-able or not.	Punishment according to Law.	By what Court triable.
15	Master or owner wrongfully selling, loading, or disposing of certificate of registry, or making two of it for the service of any other ship, or concerned in, or being privy to, the committing of, or being privy to, any such offence. Master or owner failing to deliver up certificate of registry, or failing to return from returning to port of registry, or committing any offence in connection with the certificate, or taken in execution for debt and sold, or trailer any circumstances shall have been registered de novo.	Shall not arrest without warrant.	Summons.	Bailable.	Penalty not exceeding Rs. 10,000.	Justice of Peace or Magistrate of the 1st Class (Act 4 of 1937, Sec. 30.)
16	Master or owner failing to deliver up certificate of registry, or failing to return from returning to port of registry, or committing any offence in connection with the certificate, or taken in execution for debt and sold, or trailer any circumstances shall have been registered de novo.	do	do	do	Penalty not exceeding Rs. 5,000.	do
17	New Master or owner failing to deliver certificate of registry to Registering Officer in case of change of Master. Owner or Master permitting vessel to take in cargo before name of ship has been painted in prominent position on the hull, or failing to register name, or describing ship by any name other than that by which she was first registered.	do	do	do	Penalty not exceeding Rs. 10,000. (Certificate of registry shall become utterly void.)	Justice of Peace or Magistrate of the 1st Class. do

SHIPS' (OVERCROWDING OF) ACT XXV of 1959.—To prevent the overcrowding of vessels carrying Native Passengers in the Bay of Bengal. (Vide also Madras Act II of 1962.)

	3	4	5	6	7
	Master or hindal of unlicensed vessel carrying passengers in a proportion greater than one passenger to every 4	Shall not arrest without warrant.	Summons.	Bailable.	Penalty not exceeding Rs. 20 for each passenger in excess of proportion.
	Master or hindal of licensed vessel carrying greater number of passengers than is specified in license, or in which accommodation therein required shall	do	do	do	Penalty not exceeding Rs. 20 for each passenger not provided with accommodation.
	Master or hindal taking on board passengers in a greater proportion than one to every 4 times heretofore from any port or place not sanctioned by Government.	do	do	do	Penalty not exceeding Rs. 20 for each passenger not provided with accommodation.
	Master or hindal of licensed vessel proceeding on voyage without being furnished with provisions and water according to prescribed scale.	do	do	do	Penalty not exceeding Rs. 20 for each passenger in excess of number fully supplied with provisions and water.

19	Willfully detaining certificate of registry required to be cancelled where ship is registered de novo, and certificate granted on proof of loss of original certificate.	do	do	do	Penalty not exceeding Rs. 5,000.	do
20	Willful detention of certificate by person not entitled to possession thereof.	do	Warrant.	do	Penalty not exceeding Rs. 1,000.	do
21	Making use of certificate for the purpose of any ship which has been granted certificate of the same after the same ought to have been registered de novo.	do	Summons.	do	Penalty not exceeding Rs. 5,000.	do
23	Making false declaration, altering, or falsifying certificate, &c.; knowingly making use of certificate so altered or falsified, or granting false certificate.	do	do	do	Penalty not exceeding Rs. 10,000.	do

	3	4	5	6	7
	Master or owner failing to deliver up certificate of registry, or failing to return from returning to port of registry, or committing any offence in connection with the certificate, or taken in execution for debt and sold, or trailer any circumstances shall have been registered de novo.	Shall not arrest without warrant.	Summons.	Bailable.	Penalty not exceeding Rs. 10,000.
3	Master or owner failing to deliver up certificate of registry, or failing to return from returning to port of registry, or committing any offence in connection with the certificate, or taken in execution for debt and sold, or trailer any circumstances shall have been registered de novo.	do	do	do	Justice of Peace or Magistrate of the 1st Class (Act 4 of 1937, Sec. 30.)
4	Master or owner failing to deliver up certificate of registry, or failing to return from returning to port of registry, or committing any offence in connection with the certificate, or taken in execution for debt and sold, or trailer any circumstances shall have been registered de novo.	do	do	do	do
5	New Master or owner failing to deliver certificate of registry to Registering Officer in case of change of Master. Owner or Master permitting vessel to take in cargo before name of ship has been painted in prominent position on the hull, or failing to register name, or describing ship by any name other than that by which she was first registered.	do	do	do	do
6	Master or owner failing to deliver up certificate of registry, or failing to return from returning to port of registry, or committing any offence in connection with the certificate, or taken in execution for debt and sold, or trailer any circumstances shall have been registered de novo.	do	do	do	do
7	Making false declaration, altering, or falsifying certificate, &c.; knowingly making use of certificate so altered or falsified, or granting false certificate.	do	do	do	do





## CHIPS: (NATIVE PASSENGER) Act XII of 1870 -- (Continued.)

1	2	3	4	5	6	7
Section.	Offence.	Whether the Police may arrest without warrant or not.	Whether a warrant or a summons shall or may be issued in the first instance.	Whether bail-able or not.	Punishment according to Law.	By what Court triable.
25	Master of ship carrying more than 30 passengers, sailing from port east of Cape of Good Hope to port in Red Sea, and vice versa, without touching at Aden, and obtaining clean bill of health.	Shall not arrest without warrant.	Summons.	Bailable.	Fine not exceeding Rs. 2,000, or imprisonment for 6 months, or both.	Magistrate of 1st or 2nd Class or Justice of the Peace.
29	Owner or Master of coasting steamer failing to produce a copy of certificate in compliance with part of vessel.	do	do	do	Fine not exceeding Rs. 200, or imprisonment for 1 month, or both.	do
30	Owner or Master of coasting steamer having on board passengers in excess of number specified in certificate.	do	do	do	Fine not exceeding Rs. 20, or imprisonment for 1 week, or both.	do
33	Master heading passenger at any other port than that contracted for without his consent.	do	do	do	Fine not exceeding Rs. 200 or imprisonment for 1 month, or both.	do

**SOLDIERS, EUROPEAN (DESERTION BY), Act XI of 1856.—***For the better prevention of Desertion by European Soldiers from the Army of the East of the Company of India.*

the Limit Period of the Liability to Prosecute.			
	Summons	Bailable	Macarriage of 1st Class, or Justification of the Person.
1	Disorder being concealed on board a merchant vessel if the offender is not a Merchant Seaman, the important of the concealment, might have known of the same but for some neglect of his duty or for want of proper discharge of his duty. Master on person in charge of vessel.	Shall not arrest without warrant.	Fine not exceeding Rs. 500.

STAMP LAW, Act XVIII of 1869.—For *Imperial Stamp Duties on certain instruments.*

		Shall not arrest without warrant.	Summoned.	Paidable.	Fine of Rs. 100, or ten times the deficient amount of stamp duty. Fine of Rs. 100.	Magistrate of Ist Class or Magistrate of Police do
29	Executing instruments on paper not duly stamped.					
30	Presenting, accepting, paying, endorsing, transferring, or in any manner disposing of, foreign bill or promissory note in which no adhesive stamp has been affixed.	do	do	do		
31	Refusing or neglecting to cancel adhesive stamp affixed on foreign bill or note before presentation, or before negotiating it.	do	do	do	do	do
32	Moderating or executing on paper duly stamped, instrument drawn by police officer purporting to be drawn in aid of Government.	do	do	do	Fine of Rs. 1,000.	do
33	Person making or executing instrument on which adhesive stamp is affixed, failing to cancel such stamp before parting with the same.	do	do	do	Fine of Rs. 100.	do
34	Not cancelling full consideration money in conveyance, (against purchaser and seller)	do	do	do	Fine of Rs. 500 and a fine of five times amount of excess duty which would have been chargeable if full consideration had been paid not less than Rs. 500 and not exceeding Rs. 1,000.	do
35	Attorney, Vakil, Pleader, Makhtar or person employed in preparing instrument knowingly drawing less than the full consideration money.	do	do	do	The same punishment as that provided for the offence abovementioned under Sec. 6 of Act No. XXV of 1872, or fine of Rs. 500, or both.	do
36	Abetting any offence made punishable by this Act.	do	do	do		do
43	Stamp vendor knowingly disobeying any law or regulation issued by Government for regulating his business.	do	do	do		do

**NOTE.**—Section 37 prohibits procedure for recovery of fines imposed under this Act.

Section 38 provides that one-half of fine imposed may be awarded to the informer.

Section 43 provides that one-half of fine imposed may be awarded to the informer.



